

Court No. - 18

Case :- WRIT - C No. - 10270 of 2023

Petitioner :- Lal Chand

Respondent :- State Of U.P. Thru. Prin. Secy., Deptt. Of Revenue,
Lucknow And Others

Counsel for Petitioner :- Anand Prakash Pandey, Dr. Surya Prakash
Mishra

Counsel for Respondent :- C.S.C., Kshemendra Shukla

Hon'ble Shree Prakash Singh, J.

Heard Sri Anand Prakash Pandey, learned counsel for the petitioner, Sri Hemant Pandey, learned Standing Counsel for the State, Sri Kshemendra Shukla, learned counsel for the opposite party no. 3.

The instant writ petition has been filed with the prayer to quash the impugned order dated 21-08-2023 passed by the Additional Commissioner (Administration), Ayodhya Division, Ayodhya, in Revision No. 602 of 2023 (Computerized Case No. C20234000000602) U/s 219 of the U.P. Land Revenue Act, 1901.

Learned counsel appearing for the petitioner submits that initially the land in question was mutated in favour of the petitioner on 23-11-2000 by way of P.A.-11 and thereafter, on 01-09-2005, the uncle of the petitioner namely, Lalta filed a case under section 34 of the U.P. Land Revenue Act with a view to grab the property in question, whereafter Lalta died on 10-01-2019, and the opposite party no. 3 filed a substitution application, which was allowed by the trial court. He added that on 04-03-2023, the Tehsildar, Tehsil-Alapur, District-Ambedkar Nagar passed a detailed order in favour of the petitioner while dismissing all the averments made by the opposite party no. 3 and the land in question got mutated in the name of the petitioner on 04-03-2023 in the revenue records.

Being aggrieved with the order dated 04-03-2023, an appeal under section 210 of the U.P. Land Revenue Act was preferred before the opposite party no. 2 bearing Appeal No. 813 of 2023,

wherein the appellate court stayed the order passed by the learned trial court on 06-03-2023, though it is overt that the appellate court was busy in administrative work on 06-03-2023 and further the caveat, which was filed by the petitioner, was also ignored.

He further submitted that the learned trial court on 10-01-2019 has allowed the substitution application of the opposite party no. 3, which is clearly mentioned at page no. 10 of the order dated 04-03-2023. He added that the learned revisional court, without properly going through the order of the trial court, passed the impugned order and thus, the findings recorded by the learned revisional court are perverse.

On the other hand, learned Standing Counsel appearing for the State and learned counsel for the opposite party no. 3 have opposed the contentions aforesaid and submit that infact, the matter has been transmitted back to the court below for considering the matter afresh, while affording opportunity of hearing to all the parties concerned and thus, there is no ambiguity or erroneousousness in the order passed by the revisional court.

Considering the submissions of learned counsels for the parties and after perusal of material placed on record, it transpires that the revisional court, while considering the matter in detailed and giving findings, has passed the order on 21-08-2023.

This court has further noticed the fact that it is open to the petitioner and all the other parties concerned to appear before the court below, thus, there is no merit in the instant petition.

Resultantly, the present petition is hereby **dismissed**.

The petitioner is at liberty to appear and raise his grievances before the court below.

It is further directed that the Tehsildar concerned shall decide the matter within a period of 90 days from the date a copy of this order is produced before it, after affording opportunity of hearing to

all the parties concerned, in accordance with law.

It is clarified that the direction aforesaid is subject to cooperation of the petitioner and the observations made hereinabove would have no bearing on the merit of the case before the learned court below.

Order Date :- 23.11.2023

AKS