

**Court No. - 18**

**Case :-** WRIT - C No. - 10203 of 2023

**Petitioner :-** Priyanka Mishra And Another

**Respondent :-** State Of U.P. Thru. Addl. Chief Secy., Revenue, Lucknow And Others

**Counsel for Petitioner :-** Pradeep Singh Somvanshi

**Counsel for Respondent :-** C.S.C.

**Hon'ble Shree Prakash Singh,J.**

Heard Sri Pradeep Singh Somvanshi, learned counsel for the petitioners, Sri Hemant Pandey, learned Standing Counsel and perused the material placed on record.

The instant application has been filed with a prayer to quash the impugned order dated 28.07.2023 passed by Nayeb Tehsildar, Region Tehsil-Sadar, District Lucknow in Case No. RST/03290/2018 and Computerized Case No. T201810460203290, Priyanka Mishra and others Vs. Jay Nilam, under Section 35 of the U.P. Revenue Code, 2006.

The learned counsel appearing for the petitioners submits that on 28.07.2023, the Nayeb Tehsildar, Tehsil Sadar, Lucknow passed an order and has dismissed the application under Section 35 of the U.P. Revenue Code, 2006 without considering the facts and merits of the case. He added that the aforesaid order may be set-aside.

The Standing Counsel appearing for the State has made preliminary objection that there is efficacious alternative remedy against the order dated 08.07.2023 passed under Section 35 of the Code, 2006 and thus, the instant petition is not maintainable.

The learned counsel appearing for the petitioner could not controvert the aforesaid preliminary objection and submits that the petitioner may be permitted to approach the Appellate Court by way of filing an appeal and the same may be decided within a stipulated period of time as may be fixed by this Court.

The learned Standing Counsel has no objection to the contention aforesaid.

In view of the aforesaid submissions, the petitioners are at liberty to file an appeal against the order dated 28.07.2023

along with the application for condonation of delay within fifteen days, which shall be decided by the Appellate Court within a further period of six months, in accordance with law, after affording opportunity of hearing to all the parties, failing which the benefit of the order shall not be available to the petitioners.

The instant petition is **disposed of**, accordingly.

**Order Date :- 21.11.2023**

Anurag