

Court No. - 18

Case :- WRIT - C No. - 10222 of 2023

Petitioner :- Kamal Ahamad

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

Counsel for Petitioner :- Iqbal Ahmad, Mohd. Kumail Haider

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Shree Prakash Singh, J.

Heard learned counsel for the petitioner, Sri Hemant Kumar Pandey, learned Standing Counsel for the State and perused the material placed on record.

The instant writ petition under Article 226 of the Constitution of India has been filed with the prayer to direct the respondent no. 2 to take the objection on record filed on behalf of the petitioner in the proceedings of Suit No. SD20190800000082, State of U.P. and Others Vs. Gulam Mohammad and Others. It has further been prayed to quash the proceedings of Suit no. SD20190800000082.

Learned counsel appearing for the petitioner submits that a lease was allotted in favour of the petitioner in the year 1996 and the Gaon Sabha filed cancellation of the said lease in the year 2019 i.e. at the belated stage. He added that the objection filed by the petitioner was not taken on record and therefore, submission is that the authority concerned may be directed to take objection of the petitioner on record and proceed in the matter.

On the other hand, learned counsel appearing for the Gaon Sabha has refuted the aforesaid facts and submitted that the petitioner started constructions over the land in question in the year 2019 and then the suit for cancellation of lease was instituted, thus, it was not barred by the limitation. He further added that objection has yet not been filed before the court below and thus, there is no question of deciding the objection.

After the abovesaid arguments, the learned counsel appearing for the petitioner submits that

he may be given liberty to file fresh objection before the court below and the court below may decide the same within the stipulated period of time, as may be fixed by this court.

Learned Standing Counsel appearing for the State as well as learned counsel for the Gaon Sabha have no objection to the contentions aforesaid.

In view of the aforesaid submissions, the petitioner is permitted to file objection before the District Collector, Balrampur within a period of 15 days from today and if such an objection is filed, the same shall be considered and decided by the learned court below concerned, within further period of eight weeks.

It is clarified that the observations made hereinabove have no bearing on the merit of the case. Further, the aforesaid order is subject to cooperation of the petitioner in compliance of the order passed by this court.

With the aforesaid observations, the instant writ petition is **disposed of**.

Order Date :- 22.11.2023
AKS