

Court No. - 6

Case :- WRIT - C No. - 10267 of 2023

Petitioner :- Harishankar And Others

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

Counsel for Petitioner :- Adarsh Kumar Maurya, Madhuri Singh, Rakesh Kumar Maurya

Counsel for Respondent :- C.S.C.

Hon'ble Rajnish Kumar, J.

1. Heard, Shri Adarsh Kumar Maurya, learned counsel for the petitioners and Shri S.P.Singh, learned Additional Chief Standing Counsel.

2. Learned counsel for the petitioners submits that PA-11 entry made in favour of the petitioners on 31.07.2021 has been stayed on an application moved by respondent no.4 on the same date without affording any opportunity to the petitioners ignoring the Full Bench decision of the **Board of Revenue in the case of Virendra Kumar Gupta and others Versus Mahendra Kumar Agrawal and others; Revision No.REV/3014/2014/Sitapur**. He further submits that any such order deciding the rights of the parties could not have been passed without affording opportunity in view of the judgment of this court in the case of **Premwati Versus State of U.P.and 3 others in Special Appeal No.171 of 2020**. Therefore the revision filed by the petitioners before the Board of Revenue could also not have been dismissed being interlocutory order by means of order dated 20.10.2023.

3. On the other hand learned Additional Chief Standing Counsel submits that the impugned orders have rightly been passed in accordance with law and the petitioners may appear and file their objection and application for vacation of the interim order or recall before the concerned court. He further

submits that the rights of the parties have not been decided and only the interim order has been passed by the impugned order dated 24.01.2022.

4. Having considered the submissions of learned counsel for the parties and I have gone through the records.

5. It appears that the PA-11 entry has been made in favour of the petitioners by the Revenue Inspector Utretiya on 31.07.2021. The respondent no.4 filed an application for setting aside the order dated 31.07.2021 in regard to Khata No.00140, Gata No.21, area 0.4510 hectare, situated in Village-Ibrahimpur, Pargana-Bijnore, Tehsil-Sarojini Nagar, District-Lucknow in regard to which PA-11 entry has been made in favour of the petitioners. Respondent no.4 has disclosed in his application that the deceased Mewa Lal has executed a sale deed in his favour on 15.04.1993, on the basis of which he is in possession over the land in dispute. He also moved an application for declaration under Section 80 of the U.P.Land Revenue Code, 2006, which has been allowed by means of order dated 13.03.2010. Considering the same, the order dated 31.07.2021 in regard to PA-11 has been stayed and the notices have been issued by means of order dated 24.01.2022. So far as the order passed by the Board of Revenue in the Full Bench decision relied by learned counsel for the petitioner is concerned, it appears to be in regard to mutation proceedings. However in this case the petitioners may take this plea before the concerned court by filing an objection.

6. So far as the judgment in **Premwati Versus State of U.P. and 3 others (Supra)**, relied by learned counsel for the petitioners is concerned, the same does not seem to be applicable on the facts and circumstances of the present case because only the interim order has been passed without

determining the rights of the parties, which can be determined only after considering the pleadings of the parties, for which the petitioners may file their objection and appropriate application in regard to the order dated 24.01.2022, if they so advised. The effect of the interim order is only that the entry made in PA-11 on 31.07.2021 is inoperative from the date of the interim order.

7. In view of above, this court is of the view that the impugned orders have rightly been passed in accordance with law. There is no illegality or error in the impugned orders, which may call for interference by this court.

8. The writ petition is, accordingly, **dismissed**. No order as to costs.

(Rajnish Kumar,J.)

Order Date :- 23.11.2023

Banswar