

Court No. - 17

Case :- WRIT - C No. - 10388 of 2023

Petitioner :- Krishna Murari And Another

Respondent :- The State Of U.P. Thru. Its Prin. Secy. Revenue Deptt. Lko. And Others

Counsel for Petitioner :- Amitesh Pratap Singh, Santosh Kumar Tripathi

Counsel for Respondent :- C.S.C., Nagendra Pratap Singh, Pankaj Gupta

Hon'ble Alok Mathur, J.

1. Heard Sri Amitesh Pratap Singh, learned counsel for the petitioners as well as learned Standing Counsel for respondent nos. 1 and 2 and Sri Pankaj Gupta, learned counsel appearing for respondent no. 3. Vakalatnama has been filed by Sri Awdhesh Kumar Singh, Advocate on behalf of respondent no. 5, same is taken on record.

2. In the light of order proposed to be passed, notice to private respondents is dispensed with.

3. It has been submitted by learned counsel for the petitioners that petitioner were granted Patta on the land which was declared surplus in the ceiling proceedings in the year 2006. After grant of Patta the petitioners have taken possession of the said land and started conducting agricultural activities thereupon. In the meanwhile, original tenure holder was able to demonstrate that disputed land was never subjected to ceiling proceedings and had never been declared surplus.

4. It has been submitted on behalf of respondents that once it became clear that the said land had never declared surplus, no Patta could have been allotted. It is further submitted that proceedings under Section 27(4) of the Imposition of Ceiling on Land Holdings Act, 1960 were initiated and it was confirmed that Patta on the said land have wrongly been allotted in favour of the petitioners.

5. The petitioners in the present writ petition have assailed the order of Commissioner, Devi Patan Division, Gonda dated 24.08.2023, wherein the order of cancellation of Patta has been affirmed in appeal. The only issue raised by the petitioners is regarding the Sugarcane crop which is standing on the said land, and submits that petitioners would be ready and willing to

vacate the said land after the said crop is harvested and accordingly, prays that possession over the said land may not be taken till 31.03.2024.

6. Learned counsel for the respondents also do not dispute the fact that sugarcane crop is standing on the said land and do not raise any objection to the fact that petitioners may be allowed to retain the said land till said crop is harvested.

7. In the light of above, and with the consent of learned counsel for the parties it is provided that petitioners shall not be dispossessed from the disputed land in pursuance to the order of Prescribed Authority dated 25.03.2006 or in terms of appellate order dated 24.08.2023, till 31.03.2024.

8. The petitioner also undertakes to hand over vacant possession of the said land to respondent immediately after expiry of the period as provided by this Court herein above, failing which the respondents shall be at liberty to proceed against the petitioners in accordance with law.

9. With above directions the writ petition stands **disposed of**.

Order Date :- 29.11.2023

A. Verma

(Alok Mathur, J.)