

Case :- WRIT - C No. - 10409 of 2023

Petitioner :- Ramdev And 4 Others

Respondent :- State Of U.P. Thru. District Magistrate And 9 Others

Counsel for Petitioner :- Alok Srivastava

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

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard Shri Alok Srivastava, learned counsel for the petitioners, learned Standing Counsel representing the State-respondents and Shri Vikram Dutt Pandey, holding brief of Shri Pankaj Gupta, learned counsel representing the Gaon Sabha concerned.

2. Learned counsel for the petitioners has submitted that the petitioners have already preferred an application for recall of *ex-parte* order dated 21.10.2022 passed under section 67 of U.P. Revenue Code, 2006. It is further submitted that the agricultural patta of the land in question granted in favour of the father of the petitioners on 27.08.1983 was cancelled in the proceedings initiated under section 128 of U. P. Revenue Code, 2006 and the order so passed by the competent authority on 14.06.2022 has been appealed before the court of Additional Commissioner, Devi Patan Mandal, Gonda and the appeal is pending consideration.

3. Learned counsel for the petitioners also submitted that in case the proceedings drawn ex-parte under section 67 of U.P. Revenue Code, 2006 parallel to the pendency of the appeal filed by the petitioners assailing the order dated 14.06.2022 are allowed to go on, the appellate proceedings would stand frustrated and the petitioners shall suffer an irreparable loss and injury.

4. In the facts and circumstances of the case, we direct the competent court to consider and decide the petitioners application filed for recall of the order dated 21.10.2022 in the proceedings under section 67 of U.P. Revenue Code, 2006.

5. We also direct the appellate court to decide the pending appeal filed by the petitioners arising out of the order dated 14.06.2022 whereby the agricultural patta granted in favour of the petitioners' father was cancelled. Until the decision of the appeal pending before the court of Additional Commissioner, the order passed in the proceedings under section 67 of U.P. Revenue Code, 2006 shall not be acted upon.

6. In view of what has been recorded above, the writ petition is finally **disposed of**.

Order Date :- 29.11.2023
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