

Court No. - 6

Case :- WRIT - B No. - 1079 of 2023

Petitioner :- Adnan Masood Khan

Respondent :- Board Of Revenue, U.P. Lucknow Thru. Chairman And Others

Counsel for Petitioner :- Srajak Srivastava, Nirmal Srivastava, Rama Shanker Singh

Counsel for Respondent :- C.S.C., A.Z. Siddiqui

Hon'ble Rajnish Kumar, J.

1. Shri A.Z. Siddiqui, Advocate filed 'Vakalatnama' on behalf of opposite parties no.3,4, 8 and 9, which is taken on record.
2. Heard, Shri Rama Shanker Singh, learned counsel for the petitioner and Shri A.Z. Siddiqui, learned counsel for opposite parties no.3 to 9, learned Standing Counsel for opposite parties no.1 and 2 and Shri Ashish Agrawal, Advocate, who has put in appearance for opposite party no.10.
3. Learned counsel for the petitioner submits that earlier the revisional order dated 07.11.2022 was challenged by the petitioner before this court in Writ-B No.213 of 2023; Adnan Masood Khan Versus the Board of Revenue, U.P., Lucknow and others and the private respondents had also challenged the said order in Writ-B No.753 of 2022, which were clubbed and decided together by means of order dated 23.08.2023 corrected by the order dated 18.09.2023 and the matter was remanded with the specific direction to the revisional authority to first decide the maintainability of revision after affording opportunity of hearing to the parties and while taking decision on the issue of maintainability shall consider the relevant law on the subject as also the arguments advanced by learned counsel for the respective parties, but without considering the same the impugned order dated 10.11.2023 has again been passed without considering the relevant law and even the law

referred in the order dated 23.08.2023 has also not been considered, according to which the revision is maintainable, therefore the impugned order dated 10.11.2023 is not sustainable and liable to be quashed merely on this ground.

4. Learned counsel for the private respondents does not dispute the submissions of learned counsel for the petitioner and fairly submits that the impugned order may be quashed and the matter may be remanded to the revisional authority i.e. the opposite party no.1/Bord of Revenue, U.P., Lucknow to decide a fresh in terms of directions issued by this court, to which learned counsel for the petitioner has no objection.

5. In view of above, the impugned order dated 10.11.2023 passed by the revisional authority/respondent no.1 in Revision No.2493 of 2022 is hereby quashed and the matter is remanded back to the respondent no.1 to decide the maintainability of the revision strictly in accordance with the direction issued by this court by means of the order 23.08.2023 corrected vide order dated 18.09.2023 passed in Writ-B No.213 of 2023 and if found maintainable other directions shall also be complied accordingly.

6. With the aforesaid the petition is **partly allowed** to the aforesaid extent only. No order as to costs.

(Rajnish Kumar,J.)

Order Date :- 6.12.2023

Banswar