

Court No. - 6

Case :- WRIT - C No. - 10581 of 2023

Petitioner :- Parmeshwar

Respondent :- Commissioner, Devipatan Mandal, Gonda And
7 Others

Counsel for Petitioner :- Surya Narayan Mishra

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

Hon'ble Rajnish Kumar, J.

Heard.

This Court has passed the following order on 06.12.2023:

"Shri Upendra Singh, learned Additional Chief Standing Counsel and Shri Karunakar Srivastava, learned counsel for the respondent no.6 have raised a preliminary objection that this petition has been filed against the composite order dated 02.11.2023 passed on a first appeal filed by the petitioner against the order dated 25.08.2022 and the revision against the order dated 07.06.2017, which is not maintainable because the petitioner has a remedy of second appeal against the first appellate order.

Shri Surya Narayan Mishra, learned counsel for the petitioner seeks time to examine and argue on the maintainability.

As prayed, put up on 11.12.2023 as fresh.

The order has been passed in presence of Shri Vikram Datt Pandey, Advocate holding brief of Shri Pankaj Gupta, learned counsel for the Gaon Sabha."

Shri Surya Narayan Mishra, learned counsel for the petitioner submits that in view of the objection raised by learned Additional Chief Standing counsel, petition may be dismissed as withdrawn with liberty to the petitioner to file second appeal against the first appellate order before the appropriate Court or forum and challenge the order passed in the revision in fresh petition.

There is no objection by the learned Additional Chief Standing

counsel as well as Lalit Kumar Singh, Advocate holding brief of Shri Karunakar Srivastava and Shri Vivekanand Pandey, Advocate holding brief of Shri Panka Gupta, learned counsels for the respondents.

In view of the above, the writ petition is **dismissed as not pressed** with the liberty as prayed for.

Office is directed to return the certified copies annexed along with the petition to the learned counsel for the petitioner in accordance with law after keeping photocopies on record.

Order Date :- 11.12.2023
S. Shivhare

[Rajnish Kumar,J.]