

Court No. - 18

Case :- WRIT - C No. - 10626 of 2023

Petitioner :- Prabhat Kumar Maheswari And Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy., Revenue, Lucknow And Others

Counsel for Petitioner :- Alok Singh

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Shree Prakash Singh, J.

Heard Sri Alok Singh, learned counsel for the petitioners, Sri Hemant Pandey, learned counsel for the State and perused the material placed on record.

By means of the instant petition, the petitioners have challenged the entire proceedings of Computerized Case No.T202310640206222 (Gaon Sbha Maradnagar Vs. Prbhat Kumar Maheswari), Computerized Case No.T202310640206223 (Gaon Sabha Muradnagar Vs. Bal Kishan Maheswari) and Computerized Case No.T202310640206224 (Gaon Sabha Muradnagar Vs. Aakash Maheswari) registered under Section 67 of the U.P. Revenue Code, 2006.

Learned counsel for the petitioners submits that the right and title of the petitioners is decided in the suit bearing no.475 of 1985, vide order dated 27.4.1988. He added that the land in question comes under the purview of the Nagar Palika area and, therefore, it is not being the land of Gaon Sabha, proceedings under Section 67 of the U.P. Revenue Code, 2006 could not be invoked. He further submits that the right could have been settled by the civil court in the suit which was decided in the year 1988. Now, the revenue authorities have no power to invoke power under Section 67 of the U.P. Revenue Code, 2006. He also submitted that even the order dated 27.4.1988 passed in Suit No.475 of 1985 has been affirmed in appeal with respect to land in question, therefore, the proceedings under Section 67 of the U.P. Revenue Code 2006 is unlawful and without jurisdiction.

On the other hand, learned counsel for the State on the basis of evidence submits that in fact show cause notices have been issued to the petitioners in Computerized Case No.T202310640206222 (Gaon Sbha Maradnagar Vs. Prbhat Kumar Maheswari), Computerized Case

No.T202310640206223 (Gaon Sabha Muradnagar Vs. Bal Kishan Maheswari) and Computerized Case No.T202310640206224 (Gaon Sabha Muradnagar Vs. Aakash Maheswari) under Section 67 of the U.P. Revenue Code 2006. However, so far as the factual aspect is concerned, the petitioners have all opportunity to say the same before the authority concerned. He also added that the petitioners are accustomed to raise such type of issues and, therefore, his submission is that there is no merit in the case.

Having heard learned counsel for the parties and after perusal of the material on record, it appears that the revenue authorities have invoked the power under Section 67 of the Revenue Code 2006 wherein the petitioners have been issued notices. It has been argued that the right and title has already been settled by the civil court and, therefore, the revenue authorities have no power to intervene into it. The petitioners can bring this fact before the authority under the proceedings of Section 67 of the U.P. Revenue Code 2006.

In view of the above, the petitioners are given liberty to submit additional documents, if any, within a period of 15 days before the revenue authorities concerned and revenue authorities are directed to decide aforementioned Computerized Case No.T202310640206222 (Gaon Sbha Maradnagar Vs. Prbhat Kumar Maheswari), Computerized Case No.T202310640206223 (Gaon Sabha Muradnagar Vs. Bal Kishan Maheswari) and Computerized Case No.T202310640206224 (Gaon Sabha Muradnagar Vs. Aakash Maheswari) within a period of three months after affording opportunity of hearing to all the parties concerned, in accordance with law, if there is no legal impediment.

The aforesaid order is subject to the co-operation of the petitioners before the revenue court concerned.

With the aforesaid observations, the writ petition is **disposed of**.

Order Date :- 7.12.2023

Ram Murti