

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 6136 of 2023

Petitioner :- Rakesh Kumar @ Rakesh

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

Counsel for Petitioner :- Sachindra Dwivedi

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Shree Prakash Singh,J.

1. Matter is being decided at admission stage, hence notices to opposite parties no. 4 to 8 are hereby dispensed with.

2. Heard Sri Sachindra Dwivedi, learned counsel for the petitioner, Sri Mohan Singh, learned counsel for the Gaon Sabha and perused the record.

3. Instant petition has been filed with following reliefs:-

A. To set aside the judgment and order dated 29.05.2023 passed by chief Revenue officer Ayodhya in case no. 1415/2023 computer case no. D202304230001415 U/S- 30(2) U. P. Revenue code-2006 (Shiv Shankar vs Rakesh Kumar and others) contained in annexure no.1 to this petition.

B. To direct the chief Revenue officer Ayodhya to hear and decide the case no. 1415/2023 computer case no. D202304230001415 U/S-30(2) U. P. Revenue code-2006 (Shiv Shankar vs Rakesh Kumar and others) on merit.

C. Any other such order or direction which this Hon'ble Court deems fit and proper in the nature and circumstances of the case.

D. To award the cost of petition.

4. Learned counsel for the petitioner submits that the petitioner purchased some part of the land from Khata Sankhya 80 and the share of the vendor was sold out to the petitioner on the basis of an amicable settlement in between the parties. He added that the private respondent no. 4 moved the case under section 30 (2) of the U.P. Revenue Code, 2006 before the Chief Revenue Officer, Ayodhya Division, Ayodhya on 26.04.2023 and thereafter,

without hearing the petitioner, an ex parte interim order was granted on 29.05.2023 and therefore, the interest of petitioner is being badly affected.

5. After the aforesaid argument of learned counsel for the petitioner confined his argument to the effect that interest of justice would be sub-served if, the Chief Revenue Officer, Ayodhya is directed to conclude the Case No. 1415 of 2023 (Shiv Shankar vs Rakesh Kumar & Others) within stipulated period of time.

6. Learned standing counsel for the State as well as Gaon Sabha have no objection to the contentions aforesaid.

7. In view of the aforesaid submissions, the Chief Revenue Officer, Ayodhya, District-Ayodhya is hereby directed the Case No. 1415 of 2023 computer case no. D202304230001415 U/S-30(2) U. P. Revenue code-2006 (Shiv Shankar vs Rakesh Kumar and others) within period of four months, from the date of certified copy is produced before it, in accordance with law, after affording opportunity of hearing to all the parties, if there is no legal impediment.

8. The aforesaid order is subject to cooperation of the petitioner.

9. Accordingly, the instant petition is **disposed of**.

Order Date :- 7.12.2023
Mayank