

Court No. - 3

Case :- WRIT - C No. - 10731 of 2023

Petitioner :- Parshuram

Respondent :- State Of U.P. Thru. Addl. Secy. Revenue,
Lucknow,U.P. And 4 Others

Counsel for Petitioner :- Jitendra Kumar Pandey

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

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for the petitioner and learned Additional Chief Standing Counsel.

Present writ petition has been filed by the petitioner with the following main prayer:-

"(i) Issue an order or direction in the nature of Mandamus commanding the opposite parties to remove the *kharanja*/pavement road from the Gata No.337 having area of 0.1700 hectare and Gata No.338, situated at Hamidpur, Tehsil Kadipur, District- Sultanpur, from the portion which relates to the petitioner."

It is submitted that Gram Pradhan of the village has got the road construction in his gata no.337. Case of the petitioner is that he is owner of gata no.337 and 338 and instead of getting the road constructed in Gata No.334 which is gram sabha land the Gram Pradhan has got the road constructed in Gata 337 which belongs to the petitioner .

On the other hand, State Counsel states that the road is constructed in gata No.334 which belongs to the State.

After arguing at some length, learned counsel for the petitioner that the grievance of petitioner would be substantially met in case land bearing Gata No.337 and 338 situated at Hamidpur, Tehsil Kadipur, District- Sultanpur is demarcated and separated under section 24 of the U.P. Revenue Code, 2006, in accordance with law.

Learned Standing Counsel has no objection to the same.

In view thereof, the petitioner is permitted to move and application under Section 24 of the U.P. Revenue Code, 2006 with regard to demarcation of Gata no.337 and 338 situated at

Hamidpur, Tehsil Kadipur, District- Sultanpur, before respondent no.3 i.e. Sub-Divisional Magistrate, Kadipur, District Sultanpur raising all his grievances along with all the documents in support of his claim within a period of three weeks from today along with a certified copy of this order.

In case such an application is filed, respondent no.3 i.e. Sub-Divisional Magistrate, Kadipur, District Sultanpur shall proceed with the case in accordance with law and after hearing all the parties shall consider and decide the same by a reasoned and speaking order within a period of three months from the date such an application is filed before him along with a certified copy of this order. In case there is any proceeding regarding correction of map is pending, the same shall also be concluded within the aforesaid period.

It is made clear that this court has not applied itself on the merits of the case and all questions are left open to be considered and decided by the competent authority in accordance with law.

With the aforesaid directions, present writ petition is **disposed of**.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 12.12.2023

Manoj K.