

Court No. - 3

Case :- WRIT - C No. - 10736 of 2023

Petitioner :- Patiraj

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Civil
Sectt. Lko. And Others

Counsel for Petitioner :- Krishna Ram Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for the petitioner as well as learned
Additional Chief Standing Counsel for the State.

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

"(i) Issue a writ, order or direction in the nature of Mandamus
commanding the Opposite Parties particularly Opposite Party
No.3 i.e. Sub-Divisional Magistrate, Tehsil Tanda, District
Ambedkar Nagar to decide the representation of the petitioner
dated 16.11.2023 expeditiously, in the interest of justice."

Learned counsel for petitioner submits that Gata No.419 and
439 having area 0.0460 hectare and 0.0160 hectare respectively
situated in village Motigarpur, Post Baskhari, district-
Ambedkar nagar is the land of ancestors of the petitioner and
the said land have been recovered by respondent no.5 & 6
regarding which a representation dated 16.01.2023 is pending
with the Sub-Divisional Magistrate, Tehsil- Tanda, District-
Ambedkar nagar.

After arguing at some length, learned counsel for the petitioner
submits that the grievance of petitioner would be substantially
met if the petitioner is permitted to move an application under
Section 24 of the U.P. Revenue Code, 2006 for demarcation of
the said land and the same is considered and decided
expeditiously, within the time stipulated by this Court.

Learned Standing Counsel has no objection to the same.

In view thereof, petitioner is permitted to move an application
under Section 24 of the U.P. Revenue Code, 2006 before the
respondent no.3 i.e. Sub-Divisional Magistrate, Tehsil Tanda,
District Ambedkar Nagar.

In case such an application is filed by petitioner, respondent no.3 i.e. Sub-Divisional Magistrate, Tehsil Tanda, District Ambedkar Nagar is directed to consider and decide the same in accordance with law, after hearing all concerned parties including private respondents, and take the same to its logical conclusion on the basis of proper survey report, by a reasoned and speaking order within a period of three months from the date a certified copy of this order is placed before him.

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.