

**Court No. - 17**

**Case :-** WRIT - C No. - 10817 of 2023

**Petitioner :-** Rajendra Prasad And Others

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

**Counsel for Petitioner :-** Awadhesh Kumar Pandey, Amit Kumar Dixit, Vijay Kumar Singh

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

**Hon'ble Alok Mathur, J.**

1. Heard Sri Awadhesh Kumar Pandey, learned counsel for the petitioner, learned Standing counsel for the State-respondents and Sri Govind Chaurasiya holding brief of Sri Mohan Singh for respondent No.4.

2. It has been submitted on behalf of the petitioners that the State authorities are threatening to demolish the house of the petitioners situated at gata No.1526 having an area of 0.1320 hectares situated at Village Daulatabad, hamlet of Surhampur, Tehsil Jalalpur, District Ambedkar Nagar.

3. It has been submitted the petitioners were in possession of the said land from a very long time. It seems that some ceiling proceedings had been undertaken where the said land has been declared to be surplus. It is stated that the petitioners were never informed about the said proceedings and consequently have prayed that the respondents should be restrained from dispossessing the petitioners and also from demolishing their habitation. He has challenged the rights of opposite party No.4 and 5 for being allotted pattas on the land which is in possession of the petitioners but no allotment letter has been filed which can indicate as to under which provision the said allotment has been made. The petitioners have also no information with regard to ceiling proceeding and also could not demonstrate his ownership over the disputed property.

4. This Court is of the considered opinion that in case the land has been declared surplus by the prescribed authority in proceedings under Section 10 (2) of U.P. Imposition of Ceiling on Land Holdings Act, 1960 then the petitioners have appropriate remedy under Section 11(2) of the Act of 1960. In case, he is aggrieved by illegal allotment in favour of private respondents then again there is sufficient provision for cancellation of the said allotment under Section 27 sub-clause

4.

5. It is noticed that firstly in absence of any documents which could indicate the title of the petitioners and secondly in absence of any order from any competent authority allotting the land to the private respondents, no interference can be made as sought by the petitioners in the present case. Apart from the above, this Court also is of the considered opinion that the petitioners have efficacious remedy before the authorities as narrated above and avail appropriate remedy before the civil court.

6. At this stage, leaned counsel for the petitioner submits that he may be permitted to withdraw this petition with liberty to avail the remedy as observed by this Court.

7. In light of the above, the petition is **dismissed as not pressed** with aforesaid liberty.

**(Alok Mathur, J.)**

**Order Date :- 13.12.2023**  
RKM.