

Court No. - 3

Case :- WRIT - C No. - 10833 of 2023

Petitioner :- Balakram And 3 Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Revenue Civils Ecrt. Lko. And 3 Others

Counsel for Petitioner :- Arjun Singh Kalhans

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State.

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

"(i) to issue a writ order or direction in the nature of Mandamus commanding the opposite parties not to demolish to demolish/dispossess from their house which is constructed (area 0.040 hectare) in Gata/ Khasra no- 450, Sa, area.0970 hectare, which is recorded as Bazar land ,situated at village Kutubpur, Pargana- Gwarich, Tehsil -Colonelganj, District-Gonda

(ii) to issue a writ, order or direction in the nature of Mandamus commanding the opposite party no-2 to 4 to take decision in respect of allotment of land /gata area 0.040 hectare in Gata/ Khasra no- 450, Sa ,area .0970 hectare, which is recorded as Bazar land ,situated at village Kutubpur, Pargana- Gwarich, Tehsil -Colonelganj, District- Gonda as residential lease in favour of the petitioners, on the basis as house of the petitioner built in said land since long i.e.21 years ago."

Learned counsel for the petitioner submits that the house of the petitioner may not be demolished except following the procedure in accordance with law. Learned counsel for the petitioner states that the house of the petitioner stands for last more than 40 years, hence due process is required to be followed.

Learned Standing Counsel for the State states that the petitioner has a right to move an application under Section 67-A of the U.P. Revenue Code, 2006 for allotment of the said land which can be considered and decided by the respondent no.3 i.e. Sub-

Divisional Officer, Tehsil- Colonelganj, district- Gonda, in accordance with law.

In view of the above, petitioner is permitted to move a fresh application under Section 67-A of the U.P. Revenue Code, 2006 within a period of two weeks before respondent no.3 i.e. Sub-Divisional Officer, Tehsil- Colonelganj, district- Gonda who shall consider and decide the same in accordance with law, after hearing all parties concerned, by a reasoned and speaking order within a period of three months from the date a certified copy of this order along with the application 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 :- 13.12.2023

Manoj K.