

Court No. - 18

Case :- WRIT - C No. - 11146 of 2023

Petitioner :- Ali Hasan

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue,
Lucknow And 8 Others

Counsel for Petitioner :- Girish Kumar Pandey, R. R. Pandey

Counsel for Respondent :- C.S.C., Amitesh Pratap Singh, Pankaj Gupta

Hon'ble Shree Prakash Singh, J.

Heard learned counsel for the petitioner, Sri Sunil Kumar Khare, learned Standing Counsel for the State, Sri Amitesh Pratap Singh, learned counsel for the opposite party no. 4, Sri Pankaj Gupta, learned counsel for the Gaon Sabha and perused the material placed on record.

Under challenge in the instant petition is the order dated 09-11-2023 passed by the opposite party no. 2 i.e. Commissioner, Devipatan Mandal, Gonda in Appeal No. C202308000001622, U/s 207 of the U.P. Revenue Code, 2006.

Learned counsel appearing for the petitioner submits that the dispute in question is in between the brothers of the petitioner and him and the petitioner is raising construction of a house over the land in question and behind the back of the petitioner, learned court below has passed the order to maintain status quo over the land in question, which is creating hurdle to the petitioner.

After arguing at length, learned counsel for the petitioner submitted that the interest of justice would be sub-served if this Hon'ble Court may be pleased to provide the opportunity to the petitioner to move an application before the court below for vacation of the interim order and the same may directed to be decided within a stipulated period of time, as may be fixed by this court.

On the other hand, learned counsel appearing for the opposite party no. 4 has vehemently opposed the contentions aforesaid and submitted that looking into the balance of convenience, the interim order was passed and thus, no interference

is warranted.

In view of the aforesaid innocuous prayer of the learned counsel for the petitioner, liberty is granted to the petitioner to move an application for vacation of the interim order before the court concerned within a period of 15 days from the date of this order and if such an application is filed, the same shall be considered and decided by the authority concerned within further period of 30 days, after providing opportunity of hearing to all the parties concerned, in accordance with law, if there is no legal impediment.

With the aforesaid observations, the instant writ petition is hereby **disposed of**.

Order Date :- 19.12.2023

AKS