

Court No. 8

Case :- MATTERS UNDER ARTICLE 227 No. - 412 of 2024

Petitioner :- Mohammad Altaf Mansoor @ Chaudhary Mohammad Altaf Mansoor

Respondent :- Sub Divisional Magistrate Barabanki And 8 Others

Counsel for Petitioner :- Puneet Chandra, Ravi Shanker Tewari, Tanay Chaudhary

Counsel for Respondent :- C.S.C., Ashok Shukla, Rakesh Bajpai, Tushar Verma

Hon'ble Jaspreet Singh, J.

1. Heard Sri Ravi Shankar Tewari along with Sri Puneet Chandra, learned counsel for the petitioner. Sri Ravindra Pratap Singh, learned Standing Counsel for the State-respondents. Sri Rakesh Bajpai, learned counsel of the private respondent no. 2 and Sri Rakesh Kumar, learned counsel appearing under the authority of Sri Tushar Verma, learned counsel for the respondent no. 5.

2. For the reasons recorded hereinafter, the notice to the private respondent nos. 3, 4, 9 and 10 is dispensed with.

3. The petitioner has approached this Court assailing the ex-parte order dated 12.05.2023 passed by the respondent no. 1, in case No. 1836 of 2023, in exercise of powers conferred under Section 80 of the U.P. Revenue Code, 2006 (hereinafter referred to as 'the Code of 2006').

4. The submission of learned counsel for the petitioner is that the disputed land in question comprises of Plot Nos. 641, 642, 643, 644, 645, 647, 648 and 649 in Village Kursi, Pargana Kursi, Tehsil Fatehpur District Barabanki. The petitioner has 1/3rd share in all the aforesaid plots along with the other co-tenure holders who are the private respondent nos. 9 and 10.

5. It is further stated that the private respondent no. 10 who was the co-tenure holder without seeking demarcation or division of his share, sold his 1/3rd undivided share by means of two separate sale deeds. Half of his 1/3rd share was sold to the private respondent no. 2 by means of sale deed dated 03.10.2022 and the remaining half share was sold to his wife i.e. the private respondent no. 3 by a separate sale deed of the same date i.e. 03.10.2022.

6. The record states that the private respondent nos. 2 and 3 entered in an agreement with the private respondent no. 4 and executed a lease for a period of 29 years and 11 months and it is the private respondent no. 4 who claims to be lessee and has started construction on the property for setting up a cold storage.

7. It is further stated that the private respondent no. 2 and 3 filed an application under Section 80 of the Code of 2006 seeking declaration that the land purchased from the private respondent no. 10 be declared as non-agricultural.

8. It is urged that while making the said application, the private respondents no. 2 and 3 indicated that there were other co-tenure holders and that the instant application under Section 80 of the Code of 2006 was being filed with the consent of the other co-tenure holders as well.

9. The petitioner denies this and it is specifically stated that the petitioner did not give any affidavit nor his consent or no objection for declaring the said land as non-agricultural.

10. It also submitted that the application under Section 80 of the Code of

2006 filed by the private respondent nos. 2 and 3 was accompanied by an affidavit which contained false averments.

11. It is further urged that even the sale deed of the private respondents no. 2 and 3 was not valid, inasmuch as, the sale deed without demarcation and proper division of the 1/3rd share could not have been executed by the private respondent no. 10 in favour of the respondent nos. 2 and 3 nor any right could be conferred on the private respondent nos. 2 and 3 on the basis of the said sale deed.

12. It is further urged that the decision rendered by the respondent no. 1 dated 12.05.2023 is based on false facts, hence, the same is a nullity and even otherwise any order which is effectuated with fraud and concealment is a nullity, apart from the fact that the permission/declaration granted or treating the land as non-agricultural is per-se void, hence, the private respondent nos. 2 and 3 or their lessee i.e. the respondent no. 4 would not be conferred with any right to raise constructions.

13. In the aforesaid circumstances, it is prayed that even though the petitioner had moved an application for recall of the order dated 12.05.2023 before the respondent no. 1 who merely registered the application in a casual manner without considering the relief prayed and as such the petitioner is suffering great hardships. Moreover, the substantial rights of the petitioner in the property are being adversely affected especially with the ongoing constructions while the permission sought by the private respondents is based on incorrect and false facts, hence, the order deserves to be set aside.

14. Sri Rakesh Bajpai, learned counsel appearing for the respondent no. 2 had raised a preliminary objection to the effect that since the petitioner has already moved an application for recall which is pending before the respondent no. 1, consequently, the instant petition may not be maintainable, hence, it may be dismissed.

15. This Court by means of order dated 30th January, 2024 had directed the learned Standing Counsel to produce the records in respect of Case No. 1836 of 2023 which was decided on 12.05.2023 and it was also observed that the issue of preliminary objection raised by the respondent no. 2 would be considered on the next date i.e. 31.01.2024. It is in furtherance of the said order that the learned Standing Counsel has produced the record before the Court.

16. Upon perusal of the the record of Case No. 1836 of 2023, this Court is surprised to notice the casual manner in which the record has been maintained. Needless to say that the proceedings under Section 80 of the Code of 2006 are quasi-judicial in nature and the Sub Divisional Magistrate who conducts the proceedings is obligated to do so in accordance with the provisions of the U.P. Revenue Code, 2006 and the relevant rules framed there-under and in so far as the procedural aspect is concerned, the same is to be followed in terms of U.P. Revenue Court Manual.

17. From the perusal of the original record placed before the Court, it indicates that the application moved by the petitioner seeking recall of the ex-parte order dated 12.05.2023 was received on 21.12.2023, however, the order sheet which is on record indicates that dates were fixed i.e.

02.01.2024, 23.01.2024, 29.01.2024 and 30.01.2024. However, the order sheet does not have the signatures of the Presiding Officer. The order sheet in question is being scanned and is reproduced as under for ready reference-

आदेश पत्रक

न्यायालय : उपजिलाधिकारी
मण्डल : अयोध्या, जनपद : बाराबंकी, तहसील : पालेहपुर
वाद संख्या : - RST/1836/2023
कंप्यूटरीकृत वाद संख्या : - T202341248031836
अनिल कुमार शर्मा आदि बनाम उत्तर प्रदेश सरकार
अंतर्गत धारा : 80, अधिनियम : उत्तर प्रदेश राजस्व संहिता - 2006

23/01/2024 जजकी हस्तक्षेप आदेश पत्रक जारी - पक्षी पक्षी
लेखित आदेश पत्रक जारी दिनांक 23/01/2024
को पेश हो।

23/01/2024 जजकी हस्तक्षेप आदेश पत्रक जारी - पक्षी पक्षी
लेखित आदेश पत्रक जारी दिनांक 23/01/2024
को पेश हो।

29/01/2024 जजकी हस्तक्षेप आदेश पत्रक जारी - पक्षी पक्षी
लेखित आदेश पत्रक जारी दिनांक 29/01/2024
को पेश हो।

30/01/2024 जजकी हस्तक्षेप आदेश पत्रक जारी - पक्षी पक्षी
लेखित आदेश पत्रक जारी दिनांक 30/01/2024
को पेश हो।

30/01/2024 जजकी हस्तक्षेप आदेश पत्रक जारी - पक्षी पक्षी
लेखित आदेश पत्रक जारी दिनांक 30/01/2024
को पेश हो।

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18. Upon further perusal of the record, which relates to the original application under Section 80 of the Code of 2006 filed by the private

respondents no. 2 and 3, it would indicate that in the said application, it was clearly mentioned that apart from the applicants (private respondent nos 2 and 3 herein) there are other co-tenure holders and that the said applicants also have the consent for seeking such declaration from the other co-tenure holders.

19. The record would further indicates that there is an affidavit dated 31.03.2023 filed by Anil Kumar Sharma and Rukmani Sharma in support of the application under Section 80 of the Code of 2006. This affidavit has been filed by two deponents but only signature is of Anil Sharma and not of Rukmani Sharma. This affidavit is being scanned and reproduced as under for ready reference:-

उत्तर प्रदेश UTTAR PRADESH 58AE 974262

समुच्च न्यायालय उप जिलाधिकारी फतेहपुर, बाराबंकी।

1. अतिरिक्त मुक्त 2/30/2023 मुद्रा शपथ पत्र दिनांक 31/03/2023

2. मैं रमणी शर्मा पुत्र/पत्नी के द्वारा निवासी 422 ब्रिज रोड

3. मैं धारा 80(2) उ0प्र0रा0स0-2008 द्वारा संशोधित अध्यादेश-2019 की शर्तों का अन्तर्गत अनुपालन सुनिश्चित करूंगा।

4. उत्तर प्रदेश राजस्व संहिता 2008 की धारा 80 के अन्तर्गत की गयी घोषणा के आधार पर मेरे द्वारा औद्योगिक/व्यवसायिक दूर से प्रतिकार की मांग नहीं की जायेगी जब तक कि शासन से नू-उपयोग परिकल्पित कर लिया जाय।

5. मैं इस आश्वासन के सहित हूँ कि यह उद्घोषणा मात्र भूमि के अधिक गैर कृषिक प्रयोजन के संदर्भ में है, जहाँ पर मेरे द्वारा इस उद्घोषणा को स्वतः सम्बन्धी किसी विवाद में आधार नहीं माना जायेगा।

6. अतिरिक्त भूखण्ड में निम्न सहस्रांतदार हैं जिनका नोटरी शपथ पत्र मेरे द्वारा सहस्रांतदारों की सहमति के उपरान्त सहस्रांतदारों के हस्ताक्षरयुक्त एवं स्थल का फोटोग्राफ आवेदन के साथ सलग्न किया गया है।

मेरे द्वारा आवेदित भूखण्ड पर 05 वर्ष के अन्दर व्यवसायिक/आवासीय/औद्योगिक गतिविधियों संयोजित कर ली जायेगी। यदि 05 वर्ष के भीतर मेरे द्वारा उक्त भूमि पर व्यवसायिक/आवासीय/औद्योगिक गतिविधियाँ संचालित नहीं की जाती हैं तो भूमि को पुनः कृषिक उपयोग हेतु मान लिया जाय, मुझे कोई आपत्ति नहीं होगी।

सत्यापन

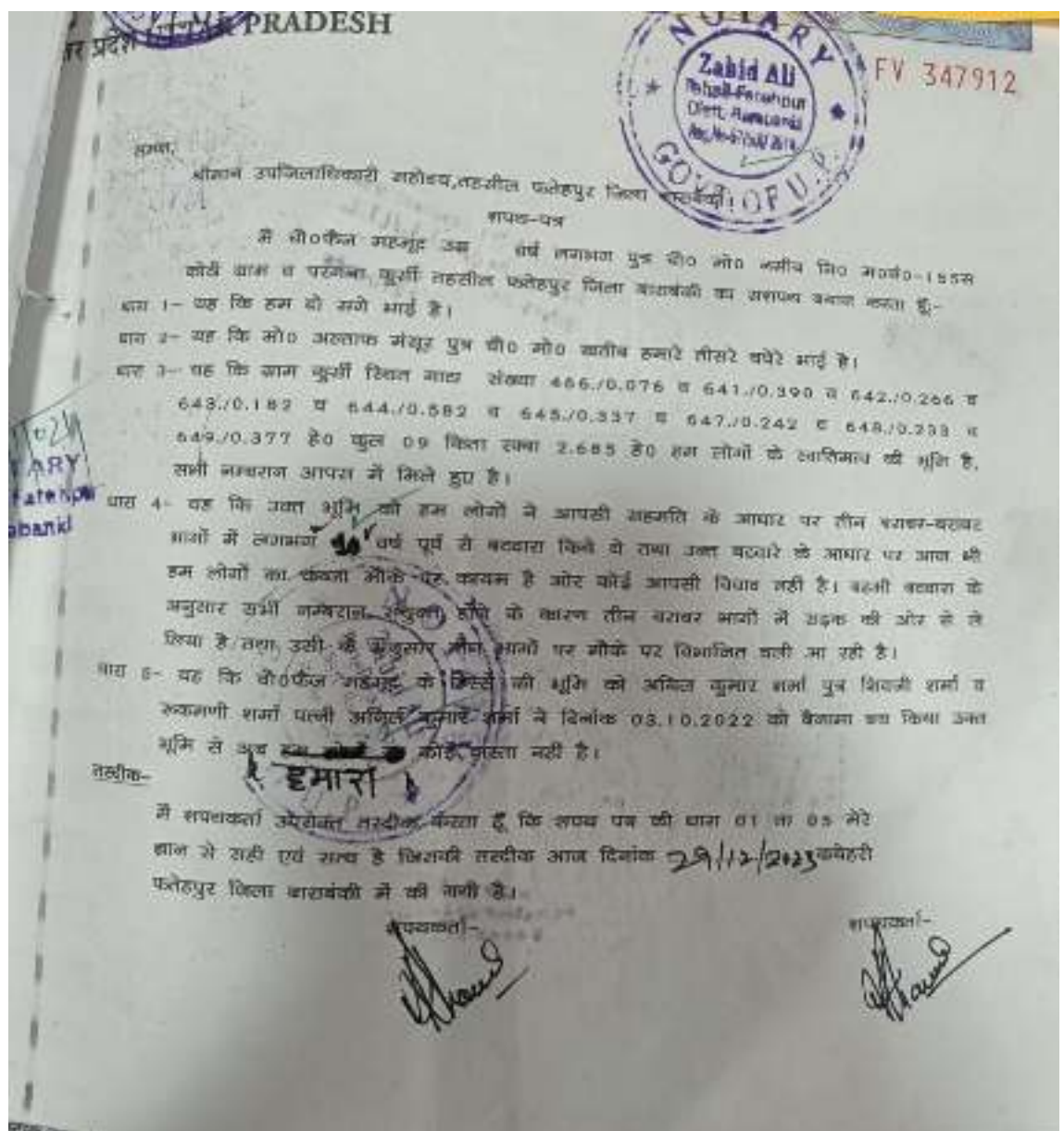
मैं शपथकर्ता/शपथकर्ती सत्यापित करता/करती हूँ कि शपथ पत्र की धारा 1 ता 7 मेरे निजी ज्ञान से सत्य व सही है जिसका सत्यापन आज दिनांक 31/03/2023 को कपथहरी फतेहपुर में किया गया है।

शपथी

Anil Kumar Sharma

NOTARY FATEHPUR BARAIBANKI

20. However, on record, there is the affidavit of respondent no. 10 and contents of paragraph 4, however, the contents of paragraph 4 of the said affidavit states that the deponent also has the affidavits of the other co-tenure holders and that the other tenure holders have also affixed their signatures/thumb impressions which has been annexed with the said affidavit, there is no such affidavit of the other co-tenure holders except the affidavit of respondent no. 10 which contains false averments. This affidavit is also being scanned and reproduced as under for ready reference:-



21. The record further reveals that the Revenue Inspector, namely Rahman Ahmad, has furnished his report that he has inspected the said

plots and the consent and concurrence of the other co-tenure holders has been confirmed.

22. The record would further indicate that an affidavit has been filed by Sri Anil Kumar Sharma on 08.01.2024 wherein in paragraph 6 it is stated that after having received the declaration in terms of the order dated 12.05.2023, the said private respondents have sought NOCs from different departments including have taken a loan and that they have initiated constructions activities

23. The original record that has been placed before the Court is explicit on the following counts;

(i) that in so far as the proceedings initiated under Section 80 of the Code of 2006 which was registered as Case No. 103 of 2023 is concerned and was decided on 12.05.2023, there is no order sheet drawn relating to the said case. It cannot be discerned when the case was registered, what were the dates fixed, when the the orders were passed requiring the Revenue Inspector to inspect and file his report, when was the report filed and when it was taken on record. In absence of the order sheets, when and how the applicants were informed about the progress of the case is also not known. The biggest flaw and a question that arises is as to whether a case could proceed without drawing up order sheets is writ large on the face of record.

(ii) There is nothing on record to indicate that what was the material from which it could be seen or confirmed that the thumb impressions/consent of the other co-sharers was on record which prompted the SDM to proceed. Thus, the report furnished by the Revenue Inspector Rahman Ahmad is also

apparently incorrect nor it could be relied upon by the SDM concerned.

(iii) The record also indicates that no affidavit of the any of the other co-sharer was filed on record before the Sub Divisional Magistrate who passed the order dated 12.05.2023 except as mentioned hereinabove first:-

(iv) The report of the Tehsildar which has been mentioned in the order dated 12.05.2023 is also apparently erroneous for the reason that it has been recorded in the order that since the applicant has given the application under his own signatures, hence, there is no requirement to send the notice. What has been missed is the fact that in the Khatauni which has been annexed, it clearly indicates that apart from the applicants i.e. the private respondent nos. 2 and 3, the land in question belonged to the other co-sharer as well, therefore, the notice must have been issued to them. The only apparent reason for not sending the notice could be if the affidavits of the other co-sharers and their consent would have been filed but the same is not available on record and thus the order passed by the Sub Divisional Magistrate concerned is patently erroneous and appears to have been passed without looking into the records and applying the judicial mind.

24. At this stage, it will be relevant to notice Section 80 of the U.P. Revenue Code, 2006 and also the rules 85 to 88 of the U.P. Revenue Code Rules, 2016 which reads as under:-

“80. Use of holding for Industrial, Commercial or Residential purposes.- (1) *Where a bhumidhar with transferable rights uses his holding or part thereof, for industrial, commercial or residential purposes, the Sub-Divisional Officer may, suo motu or on an application moved by such bhumidhar, after making such enquiry as may be prescribed, either make a declaration that the land is being used for the purpose not connected with agriculture or reject the application. The Sub-Divisional officer shall take a decision on the application within forty five working days from the date of receipt of the application. In case*

the application is rejected, the Sub-Divisional officer shall state the reasons in writing for such rejection and inform the applicant of his decision:

[Provided that if the application for declaration is accompanied with the prescribed fee and in case of joint holding, no objection of co-tenure holders is attached in case of co-tenure holder and if the declaration is not made by the Sub-Divisional Officer with forty-five days as aforesaid, then the declaration shall be deemed to have been made. Tehsildar will make a record of it in the revenue records, with the comment "subject to the order of the Sub-Divisional Officer".]

If any affected party wants to file an objection in relation to the said declaration, it may file an objection in the competent court.]

(2) Where a bhumidhar with transferable rights proposes to use in future his holding or part thereof, for industrial, commercial or residential purposes, the Sub-Divisional Officer may on an application moved by such bhumidhar, after making such enquiry as may be prescribed, either make a declaration that the land may be used for the purpose not connected with agriculture or reject the application, within forty five working days from the date of receipt of the application. In case the application is rejected, the Sub-Divisional officer shall state the reasons in writing of such rejection and inform the applicant of his decision:

Provided further that if the bhumidhar fails to start the proposed non agricultural activity within a period of five years from the date of declaration under this sub-section, then the declaration under sub-section (2) for the holding or part thereof shall lapse:

Provided also that a declaration under this sub-section (2) shall not amount to change of land use and the land shall continue to be treated as agricultural land only. However, the bhumidhar shall be entitled to obtain loan and other necessary permissions, clearances etc. for the activity or project, proposed on the holding or part thereof, for which declaration under this sub-section has been obtained.

(3) A bhumidhar possessing declaration under sub-section (2) for his holding or part thereof, may apply to Sub-Divisional officer for converting declaration under sub-section (2) to a declaration under sub-section (1), after completion of construction activity or start of the proposed non- agricultural activity, within a period of five years from declaration under sub-section (2). On receipt of such an application, the Sub- Divisional officer, after making such enquiry as necessary, shall approve or reject the application within a period of 15 days from the receipt of the application. In case of rejection, he shall record in writing the reasons for such rejection:

Provided that for conversion of declaration under sub-section (2) to a declaration under sub-section (1), the bhumidhar shall be liable to pay only the balance amount of fee payable, calculated at prevailing circle rate, after adjusting the amount already paid by him for declaration under sub-section (2) earlier:

(4) No application for a declaration under sub-section (1) or (2), moved by any co-bhumidhar having undivided interest in bhumidhari land shall be maintainable, unless application is moved by all the co-bhumidhars of such bhumidhari land. In case only one of the co-bhumidhar wants to get a declaration for his share in the land with joint interest, then such an application shall be entertained only after the respective shares of the co-bhumidhars in the land have been divided in accordance with the provisions of law.

(5) *The application for declaration [under sub-section (1) or sub-section (2)] shall contain such particulars and shall be made in such manner as may be prescribed.*

(6) *Where the application under sub-section (1) or sub-section (2) is made in respect of a part of the holding, the sub-divisional officer may, in the manner prescribed, demarcate such part for purposes of such declaration.*

(7) *No declaration under this section shall be made by the sub-divisional officer, if he is satisfied that the land or part thereof is being used or is proposed to be used for a purpose which is likely to cause a public nuisance or to affect adversely public order, public health, safety or convenience or which is against the uses proposed in the master plan.*

(8) *In case the land or part thereof for which a declaration under this section is being sought falls within the area notified under any Urban or Industrial Development Authority, then prior permission of the concerned Development Authority shall be mandatory.*

(9) *The State Government may fix the scale of fees for declaration under this section and different fees may be fixed for different purposes:*

Provided that if the applicant uses the holding or part thereof, for his own residential purpose, no fee shall be charged for the declaration under this section.]

The relevant rules i.e. Rule 85 to 88 of the U.P. Revenue Code Rules,

2016 read as under for ready reference:-

“85. Application for declaration (Section 80).-(1) *A bhumidhar with transferable rights using his holding or any part thereof for a purpose not connected with agriculture may apply to the Sub-Divisional Officer for a declaration under section 80(1) in R.C. Form-25.*

(2) *The applicant shall pay the required amount of declaration fee which shall be one percent of the amount calculated as per the circle rate for agricultural purpose fixed by Collector of the district concerned or as per the rate fixed by State Government from time to time.*

(3) *On receipt of the application under sub-rule (1), the Sub-Divisional Officer may cause an inquiry to be made through a revenue officer not below the rank of a Revenue Inspector for the purpose of satisfying himself that the holding or part thereof is really being used for a non-agricultural purpose. The concerned officer shall, after spot verification submit his report to the Sub Divisional Officer indicating the purpose for which the holding or part thereof is being actually used.*

86. Notice to the Bhumidhar (Section 80).- *Where the proceedings under section 80(1) has been initiated by the Sub-Divisional Officer on his own motion, he shall issue notice to the bhumidhar concerned, and the inquiry referred to in rule 85(3) shall be held after the reply, if any, of the bhumidhar is submitted.*

87. Grant of declaration (Section 80).- *If after scrutinizing the report of the revenue officer, the Sub-Divisional Officer is satisfied: (a) that the entire holding is being used for a purpose not connected with agriculture; and (b) that the conditions specified in section 80(4) are complied with, he may make a declaration under section 80(1), in respect of such holding.*

88. (1) Appointment of Land Revenue (Section 80).- (1) *If only a part of the holding is being used by a bhumidhar with transferable rights for a non-agricultural purpose, and the Sub-Divisional Officer is satisfied that the provisions of the second proviso to section 80(1) have not been contravened, he may make a declaration only with respect of such part, provided that the cost of demarcation as per sub-rule (2) of the rule 22 is deposited by the bhumidhar before such declaration.*

(2) *Where the proceeding for declaration in respect of a part of the holding is initiated by the Sub-Divisional Officer suo motu, the cost of such demarcation shall be recovered by the Sub-Divisional Officer as arrears of land revenue.*

(3) *In every case of declaration under sub-rule (1) or sub-rule (2), the demarcation shall be made on the basis of the existing survey map, and the Sub-Divisional Officer shall apportion the land revenue payable by such bhumidhar.*

(4) *The Sub-Divisional Officer shall make an endeavour to conclude the proceeding for declaration under sub-section (1) of section 80 within the period of 45 days from the date of registration of the application and if the proceeding is not concluded within such period the reasons for the same shall be recorded."*

25. The record of the case bearing No. 1836 of 2023 reveals that the aforesaid provisions have not been followed. The application under Section 80 of the Code of 2006 was clearly not maintainable and was hit by the 2nd proviso appended to Section 80 (1) and is hit by Section 80 (4) of the Code of 2006, which has been underlined hereinabove.

26. In the aforesaid backdrop, if the objection of Sri Bajpai is noticed, this Court finds that the proceedings before the SDM concerned was clearly not maintainable. There have been blatant violation of Section 80 of the U.P. Revenue Code, 2006 and rules framed therein. The private respondents made incorrect statement in their application and also in the affidavit. They have not approached the court of SDM with clean hands, false statement and averments were made and they are the obvious beneficiaries.

27. The SDM concerned, the Revenue Inspector and the Tehsildar who submitted his report, of which mention has been made in the order dated 12.05.2023, all have shamefully failed to fulfill their obligations.

28. Public Authorities who perform quasi-judicial functions are required to perform their duties with alacrity and in a manner which inspires confidence, but unfortunately in the instant case, this is completely missing and the entire exercise is without application of judicial mind, hence, cannot be sustained, judicial proceedings which are most solemn in nature but in this case, it has been made a mockery.

29. The learned Standing Counsel has submitted that a new SDM has lately taken charge and as the record indicates certain anomalies, hence, the matter may be kept after few days and the SDM can definitely take a re-look at the matter and appropriate orders can be passed on the next date fixed or within such time as the Court may fix.

30. A specific query was put to Sri Bajpai, learned counsel for the respondent no. 2 confronting him with the application filed under Section 80 of the Code of 2006 and the contents thereof which indicated that the private respondents nos. 2 and 3 had the consent of the other co-sharers as mentioned in the application, and whether the same was filed on record in the case before the SDM concerned. He could not dispute the fact that the said averment is incorrect and no such affidavit was filed indicating that the other co-sharers had given their consent.

31. Having noticed the blatant violation in preparation of the original records, ordersheets not having the signatures of the Presiding Officer, no order sheet relating to the original proceedings/ false averments made in the original application under Section 80 of the Code of 2006 by the private respondent nos. 2 and 3 and the said contents have been given a goby

without verifying the same by the Revenue Inspector and the Tehsildar who submitted his report as maintained in the order dated 12.05.2023 all appears to be tabled and an eye-wash.

32. Thus, this Court is satisfied that the order dated 12.05.2023 is contrary to the material on record and is patently erroneous and the order passed by the SDM suffers from the vice of *ipse dixit*.

33. This Court further finds that the applicants did not disclose the true and correct facts rather they have stated false facts and the same have also been given a goby by the Revenue Inspector and the Tehsildar who did not perform their duties as required by them in law and it also casts a cloud over their report. Thus, the basic fact upon which the proceedings were initiated was conceived in deceit.

34. For the foregoing reasons, the notice to private respondent no. 3 is not necessary as her husband is already represented and since respondent no. 10 has sold his share to private respondent nos. 2 and 3, hence, his presence in the instant case is not material. Similarly, respondent no. 9 is not prejudiced by the order. Moreover, even after appearance, none can defend such proceedings which are sham, hence, for the said reason, the Court does not deem necessary to issue notice.

35. Moreover, the Revenue Authorities including the Sub Divisional Magistrate and the Tehsildar as well as the Revenue Inspector did not verify the facts and blindly proceeded to pass the order without even considering the fact Khatuani on record indicated co-sharers and without demarcation and division the application was allowed which otherwise was

not maintainable in light of the IIInd proviso appended to Section 80 (1) (4) of the Code of 2006.

36. In so far as the submissions of the learned counsel for the petitioner which has called in question the validity of the sale deed of the private respondent nos. 2 and 3, suffice it to say that this is not an issue before this Court hence this Court refrains from giving any findings in respect thereto or it may adversely impact the rights of the parties, however, it will be open for the petitioner to raise the aforesaid issue if he so deems fit before the appropriate Court or forum as available to him in law.

37. In the aforesaid circumstances, this Court does not deem appropriate to remit the matter to the SDM concerned for considering the application for recall and as the entire proceedings are plain and simply bad and without jurisdiction, hence, the Court in exercise of powers under Article 226/227 of the Constitution of India finds that the order dated 12.05.2023 is liable to be quashed. Accordingly, a writ in the nature of certiorari is issued and the impugned order dated 12.05.2023 passed by the SDM in Case No. 103 of 2023 is quashed. Consequently, the petition is *allowed* and the application for recall filed by the petitioner before the SDM concerned shall stand *disposed of*.

38. A copy of this order shall be placed before the Principal Secretary, Revenue, State of U.P. who shall hold an inquiry in respect of how the proceedings were conducted in respect of Case No. 1836 of 2023 and without looking into records, orders were passed without following due procedure and in absence of maintaining judicial order sheets and take

appropriate proceedings against the SDM who passed the order dated 12.05.2023, the Tehsildar, the Revenue Inspector and any other person who may be responsible for violating the rules, regulations for not maintaining judicial records. This has been done, as even earlier such an issue had come to the notice of this Court and it was flagged to be noticed by the Principal Secretary (Revenue), State of U.P. but it appears that the message has not percolated nor there has been any amends. In *Awadhesh Kumar Vs. District Magistrate, Lucknow MANU/UP/2566/2022*, this Court was constrained to notice the manner in which regulations were violated in performance of judicial functioning by the officers manning revenue courts, yet again this matter at hand has come to light.

39. Hence, Let the inquiry be completed and its report be placed before this Court within a period of three months from the date, copy of this order is placed before the Principal Secretary (Revenue), State of U.P.

40. List this matter on *07th May, 2024* for ascertaining the outcome of the inquiry. A copy of this order shall be communicated by the Senior Registrar of this Court to the Principal Secretary, Revenue, State of U.P. and to the District Magistrate, Lucknow. The original record has been handed over to the learned Standing Counsel.

Order Date :- 31st January, 2024
Asheesh