

Court No. - 2

Case :- WRIT - C No. - 5536 of 2024

Petitioner :- Rangi Lal

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

Counsel for Petitioner :- Shilpi Tiwari, Suresh Chandra Tiwari

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

Hon'ble Alok Mathur, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri S.C. Tiwari, learned counsel for the petitioner, learned Standing Counsel for respondents No. 1 to 4 and Sri Mohan Singh, learned counsel for respondent No.5.
2. In view of the proposed order notice to private respondents is dispensed with.
3. The present dispute pertains to partition of the property at Gata No. 111-Ka, area 0.02 hectares, situated at Harkipur, Pargana Daulatpur, District Sultanpur with regard to which a case under Section 30(2) of the U.P. Revenue Code, 2006 was filed by the petitioner which has already been decided by means of the order dated 5.1.2024 and a preliminary decree as well as forum has been prepared by the Additional Collector (Administration), Sultanpur.
4. The grievance of the petitioner is that despite passing of the said order the same has not been executed and the private respondents on the other hand are raising constructions.
5. Learned counsel for the respondents, on the other hand, have opposed the writ petition and submits that once the preliminary decree has been passed, only execution of the said order remains and in this regard a revenue team was constituted, but it is only due to actions of the petitioner that the order could not be executed on the spot. It is further submitted that the preliminary decree shall be executed shortly. Even otherwise, it was stated that the petitioner has an efficacious remedy under para 460 of the Revenue Court Manual for executing the order of the revenue authorities.
6. In the light of aforesaid submission, considering that a revenue team has been constituted to execute the preliminary decree and the application of the petitioner made to the S.D.M.,

Tehsil Sadar, Sultanpur is pending consideration, it shall be open for the revenue authorities to execute the preliminary decree dated 5.1.2024 within next four weeks.

7. The petitioner undertakes to cooperated with the revenue team during the aforesaid exercise. A liberty is also granted to the petitioner that in case the order is not executed within the time prescribed, he shall move an appropriate application under para 460 of the Revenue Court Manual for execution of the same.

8. In the light of aforesaid direction, the petition is **disposed of**.

(Arun Kumar Singh Deshwal,J) (Alok Mathur,J.)

Order Date :- 26.6.2024

Vandana