

Court No. - 2

Case :- WRIT - C No. - 5583 of 2024

Petitioner :- Ram Kali And Others

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

Counsel for Petitioner :- Shivangi Pandey, Sunil Kumar Pandey

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

Hon'ble Alok Mathur, J.

Hon'ble Arun Kumar Singh Deshwal, J.

Heard Ms. Shivangi Pandey, learned counsel for the petitioners as well as learned Standing Counsel for respondent Nos. 1 to 4 and Mr. Mohan Singh, learned counsel for the respondent Nos. 5 and 6.

In the light of order proposed to be passed notice to respondent No. 7 is dispensed with.

It has been stated by the counsel for petitioners that the petitioners are owner of Gata No. 60 M/0.2530 hectare situated at Village-Bhuhera, Safedabad, Tehsil-Nawabganj, District-Barabanki, which is recorded as Naveen Parti.

Counsel for petitioners submits that respondent No. 7 is making certain constructions and is also widening the road to 12 meters in place of existing 3.75 meters for developing a private park. For widening of the said road certain land have to be acquired which it seems that the land of the petitioners would also be included in the said road widening and accordingly on the application given by respondent No. 7 a revenue team has been constructed to demarcate various plots which included in the road widening including the plots of petitioners.

Counsel for petitioners submit that without giving any notice to petitioners proceedings for demarcation are being carried out by

the revenue team and accordingly they have challenged the order dated 08.06.2024 passed by the respondent No. 3 and also to restrain the private respondents from raising any constructions on the land of the petitioners.

After arguing the matter at some length, counsel for the petitioners submits that grievance of the petitioners shall be substantially addressed in case, the demarcation proceedings are conducted in accordance with law and the petitioners are also given a notice and permitted to file their objections to the said demarcation.

Learned counsel for the respondents, on the other hand, submitted that any action for demarcation taken by the revenue authorities would be in consonance with the statutory provisions under Section 24 of U.P. Revenue Code, 2006 wherein notice to all the affected persons is given and demarcation is carried out in their presence after intimating the date and time for the said proceedings.

Let the demarcation be conducted in accordance with law and the petitioners be permitted to participate in the said proceedings.

No other grievance subsists after recording the submissions of the learned standing counsel as well as Sri Mohan Singh, learned counsel appearing on behalf of Gaon Sabha that any exercise under Section 24 of the Code of 2006 shall be carried out only after giving notice to the petitioners.

Accordingly, in the light of aforesaid directions, the petition is ***disposed of.***

Order Date :- 25.6.2024/Vinay/-