

Court No. - 2

Case :- WRIT - C No. - 5595 of 2024

Petitioner :- Santosh Kumar

Respondent :- Dist. Magistrate Barabanki And Others

Counsel for Petitioner :- Vimal Kishor Singh

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard learned counsel for the petitioner and learned Standing Counsel appearing on behalf of respondent nos.1 to 4.
2. In the light of the order proposed to be passed, issuance of notices to the private respondents is dispensed with.
3. It has been submitted by learned counsel for the petitioner that he had moved an application under Section 24 of U.P. Revenue Code, 2006 on 19.07.2023 for demarcation in respect of land Gata No.86 area 0.396 hect. situated at Village- Para Deepu, Pargana- Pratapganj, Tehsil- Nawabganj, District Barabanki. On the application of the petitioner, notices were issued to all the concerned persons and demarcations were carried out and the report was submitted on 07.08.2023 and 22.08.2023 and after considering the objection, the Sub-divisional Magistrate (Judicial), Nawabganj, Barabanki accepted the demarcations report and passed order on 8.11.2023.
4. The dispute raised by the petitioner in the present writ petition is that despite the proceedings under Section 24 having been concluded actual physical possession has not been given to the petitioner. He has further submitted that private respondents have filed a suit in the court of Civil Judge (J.D.), Barabanki and ad interim *ex parte* order has been passed on 07.05.2024 restraining the defendants from interfering in the possession of the plaintiff therein. It has been submitted that the revenue authorities are misconstruing the order passed by the civil court dated 07.05.2023 which is in fact pertains to Araji No.55 and not Gata No.86 owned by the petitioner.
5. Learned Standing Counsel, on the other hand, has submitted that in case, the petitioner wants to have the order dated 08.11.2023 executed then sufficient power has been provided for in the U.P. Revenue Court Manual in para 460 and on the

application of the petitioner after due consideration and after following procedure prescribed therein, the order dated 08.11.2023 is liable to be executed.

6. At this stage, learned counsel for the petitioner does not dispute that sufficient provisions are there for execution of the order of revenue court as provided under U.P. Revenue Code as well as U.P. Revenue Court Manual and prays that he does not want to press the petition and liberty may be granted to him to approach the appropriate authority for execution of the order passed by the Revenue Court in his favour under Section 24 of the U.P. Revenue Code, 2006.

7. Accordingly, the present petition is **dismissed** as not pressed with the aforesaid liberty.

Order Date :- 25.6.2024

A.Kr*

(Arun Kumar Singh Deshwal, J.)

(Alok Mathur, J.)