

Court No. - 2

Case :- WRIT - C No. - 5682 of 2024

Petitioner :- Pawan Kumar And Others

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

Counsel for Petitioner :- Fateh Bahadur Singh, Ashutosh Mishra

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Alok Mathur, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Fateh Bahadur Singh, learned counsel for the petitioners as well as learned Standing counsel on behalf of respondent No.s 1, 2, 3 and 5 and Sri Dilip Kumar Pandey for respondent No.4- Gaon Sabha.

2. It has been submitted on behalf of the petitioners that the petitioners were granted agricultural leases with regard to the land situated at khata No.975 at Village Kundwal, Pargana and Tehsil Dalmau, District Raibareli on 28.6.2003 and since the said date the petitioners are in possession of the said land. He submits that as per the provisions contained under Section 76 (2) of U.P. Revenue Code after completion of five years in capacity of *bhumidhar* with non transferable rights the petitioners are conferred with the status of *bhumidhar* with transferable rights but due to the fact that consolidation proceedings commenced in the village in question, proper orders could not be passed under Section 131 - B of erstwhile U.P. Zamindari Abolition and Land Reforms Act. The consolidation proceedings were cancelled on 30.10.2013 but no appropriate orders were passed with regard to status of the petitioners. Therefore, the petitioners submitted representation to respondent No.2 for being declared as *bhumidhar* with transferable rights as per the provisions contained under Section 76 (2) of the Code of 2006 and have confined the prayer for a suitable direction to respondent No.2 to consider and decide the representation submitted to him.

3. Learned counsel for the respondents do not object to the prayer made by the petitioners.

4. In view of the aforesaid facts and circumstances, liberty is granted to the petitioners to submit fresh representation to respondent No.2 within next two weeks. In case, such representation is made, as directed by this Court, respondent No.2 shall consider and decide the same expeditiously, say within four weeks from the date a certified copy of this order

along with the representation is produced before him, in accordance with law.

5. With aforesaid observations and directions, the petition stands **disposed of**.

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

Order Date :- 28.6.2024
RKM.