

Court No. - 19

Case :- WRIT - C No. - 10939 of 2024

Petitioner :- Jitendra

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt.
Lko. And 2 Others

Counsel for Petitioner :- Ajaiy Kumar Mishra, Kapil Dev
Chaubey

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

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner, learned State Counsel for opposite parties no. 1 and 2 while notice on behalf of opposite party no. 3 has been accepted by Mr. Dilip Kumar Pandey, Advocate.

2. Petition has been filed challenging notice dated 18.10.2017, revisional order dated 03.04.2018 as well as order dated 17.10.2024 rejecting petitioner's recall application.

3. Learned counsel for petitioner submits that initially a notice had been issued pertaining to alleged illegal encroachment made by petitioner over Gaon Sabha property which was challenged in proceedings under Section 210 of the U.P. Revenue Code, 2006 which was rejected by means of impugned order dated 03.04.2018 whereagainst a recall application was filed and has also been rejected by means of impugned order dated 17.10.2024.

4. It is submitted that since the notice itself could not have been issued against petitioner, the recall proceedings were very well maintainable and therefore the authorities have erred in rejecting petitioner's revision and recall on that account.

5. Mr. U.C. Singh, learned Additional Chief Standing Counsel has refuted submissions advanced by learned counsel for petitioner with the submission that from a bare perusal of orders impugned, it is evident that the revision as well as recall have been rejected on account of the fact that they were not maintainable and therefore there is no occasion to interfere with orders impugned.

6. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it is quite evident from the order dated 03.04.2018 that petitioner's

revision has been rejected primarily on the ground that it was not maintainable against a notice issued by the Tehsildar without challenge to any order requiring petitioner's ejectment from alleged Gaon Sabha property. It also appears from the orders impugned that petitioner was heard prior to passing of the order.

7. It appears that against aforesaid order, a revision was preferred by petitioner which too has been rejected on the ground that it is not maintainable.

8. Learned counsel for petitioner has been unable to demonstrate any provision of law whereunder the revision under Section 210 of the U.P. Revenue Code, 2006 was maintainable. He has also not been able to demonstrate any provision of law under which the recall application was maintainable before the Additional Commissioner, it is also evident that the recall application has also been rejected primarily on the ground that there is no jurisdiction to recall an order earlier passed.

9. Considering aforesaid facts and circumstances, the petition being devoid of merit is **dismissed** at the admission stage itself. Parties to bear their own cost.

Order Date :- 18.12.2024
Satish