

Court No. - 8

Case :- WRIT - B No. - 1294 of 2024

Petitioner :- Prateek Sahi

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Revenue Lko. And 7 Others

Counsel for Petitioner :- Santosh Kr. Yadav Warsi

Counsel for Respondent :- C.S.C.

Hon'ble Jaspreet Singh,J.

Heard learned counsel for the petitioner. Notice on behalf of respondent nos. 1 to 5 has been accepted by the office of the learned Chief Standing Counsel.

The grievance of the petitioner is that in respect of the disputed property in question, a mutation order was passed in his favour on 01.12.2022.

It is urged that after the said order was passed, the respondent no. 5 suo moto taking notice of the order dated 01.12.2022 submitted its report that the order passed in favour of the petitioner should not have been passed by the said Authority rather it should have been passed by the Sub Divisional Magistrate, hence, this report was forwarded to the Sub Divisional Magistrate concerned.

It is further urged that the Tehsildar, Sadar while taking note of the said report vide order dated 13.02.2023 set aside the order dated 01.12.2022 passed in favour of the petitioner.

It is urged that this order was passed without issuing notice or affording any opportunity of hearing to the present petitioner.

It has further been urged that the petitioner being aggrieved moved an application seeking recall/objections against the order dated 13.02.2023 and prayed that the same may be set aside. The said objections/recall has been brought on record as Annexure No. 7 to the petition and it is urged that the same may be set aside.

Being aggrieved against the same, including the fact that it was not decided, the petitioner preferred a revision before the respondent the Board of Revenue and the Board of Revenue has rejected the revision vide order dated 28.06.2023 treating the order to be interlocutory and also noticing that his

objections/recall is already seized with the Tehsildar.

It is in the aforesaid backdrop that it is urged that neither the Tehsildar had the Authority to set aside/recall the order dated 01.12.2022 more so without even affording an opportunity of hearing to the petitioner and the order per se is without jurisdiction.

Having considered the aforesaid submissions and noticing the fact that the matter is already seized with the Tehsildar where the application of the petitioner is pending since 10.05.2023, the petitioner is assailing the order dated 28.06.2023 almost after year and a half, in such circumstances, the Court is not inclined to entertain the aforesaid petition, however, it is provided that the Tehsildar concerned shall after affording full opportunity of hearing to the parties shall expedite and decide the recall/objections moved by the petitioner as expeditiously as possible and without granting any unnecessary adjournments to either of the parties, preferably within a period of six weeks from the date, a certified copy of this order is placed before the court concerned.

With the aforesaid observations, the petition is ***disposed of***.

It is made clear that the Court has not examined the plea of the petitioner on merits and the recall application/objections before the Tehsildar shall be decided on its own merits in accordance with law.

Order Date :- 20.12.2024

Asheesh/-