HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.35763 OF 2016

ORDER:

The petitioner society challenges the grant of *eksal* lease through proceedings No.REV-EC ECOLEA (AGR)/3/2015-SA-(E2)-KCO dated 01.09.2016 of respondent No.2, as illegal, arbitrary, unconstitutional and fails to take note of the subsisting claim and interest the petitioner society has in the subject matter of the writ petition. The lease has been granted for 1 ½ years. The respondents through proceedings dated 31.12.2017 delivered possession to 6th respondent. This Court through a separate order disposed of W.P. No.14320 of 2017 filed by the 6th respondent herein by taking note of the delivery of possession on 31.12.2017. The District Collector on the claim of petitioner herein states as follows:

> ". the petitioner's society was granted eksal lease (i.e. for one year only) during the year 2001. Further the said Eksal grant was not renewed by the competent authority beyond 2002. More over the Lease granted to the respondent No.6 was not included in the petitioner's claim. It was clearly mentioned by the Joint Inspection Team inspected the respondent land that there is no over lapping of extent in between the lands of petitioner and 6th respondent."

and thereby disputes the possession and the enjoyment of petitioner society of Survey Nos.602/1, 607 and 610. This Court at this juncture keeping in view the subsequent developments viz. delivery of possession to respondent No.6 herein on 31.12.2017 is not persuaded to consider the challenge laid by petitioner society against the proceedings impugned in the writ petition. The

proceedings impugned refer to granting lease for a period of 1 ½ years. Therefore, the petitioner society is given liberty to make representation for consideration of its case, as and when representation is made, the respondents consider all claims, determine the eligibility while granting lease of subject matter in accordance with law. Likewise, the 6th respondent is also given liberty to apply to respondents for continuation of lease in its favour. The competent authority takes a decision in accordance with law.

With the above observation, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:02.08.2018

Stp