

Court No. - 36

Case :- WRIT - C No. - 24294 of 2020

Petitioner :- Rajesh Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ravindra Nath Yadav, Abhishek Kumar Yadav

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi, Sunil Kumar Singh

Hon'ble Mahesh Chandra Tripathi, J.

Heard learned counsel for the petitioner; Shri K.R. Singh, learned Additional Chief Standing Counsel for the State respondents and Shri Bhupendra Kumar Tripathi, Advocate for the Gaon Sabha.

Present writ petition is preferred seeking following reliefs:-

"I. Issue a writ, order or direction in the nature of mandamus commanding and directing to the respondents/authorities specially respondent no.2 (Sub Divisional Magistrate, Tehsil Shahganj, District Jaunpur) to demarcate and settle the boundary dispute of the land Arazi No.606 area 0.739 hec. in pursuance of the order dated 30.1.2020 passed under Section 41 of the U.P. L.R. Act read with Section 24 of the U.P. Revenue Code 2006 by Sub Divisional Magistrate, Tehsil Shahganj, District Jaunpur within some specified period fixed by this Hon'ble Court so that the petitioner may be enabled to get the possession on spot towards the complete area of his bhumidhari land."

Learned Additional Chief Standing Counsel has vehemently opposed the writ petition on the ground that the petitioner is seeking implementation of the order dated 30.1.2020, which was passed under Section 41 of U.P. Land Revenue Act, 1901. Against the said order dated 30.1.2020, the revision under Section 24 of U.P. Revenue Code, 2006 is pending consideration before the Commissioner, Varanasi Division, Varanasi.

Admittedly, the revision is pending consideration before the Commissioner of the Division. Once the proceeding is pending consideration then the relief, as has been asked for, cannot be accorded in favour of the petitioner.

Confronted with this situation, learned counsel for the petitioner states that the direction may be issued to the revisional authority to decide the revision expeditiously.

In view of the above, without expressing any opinion on the merits of the issue and considering the facts and circumstances of the case, this writ petition is disposed of finally with a direction to the revisional authority to decide the revision within a period of three months from the date of production of a

copy of this order before him.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad, self attested by the applicants alongwith a self attested identity proof of the said person (preferably Aadhar Card) mentioning the mobile number to which the said Aadhar Card is linked.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 30.6.2021

RKP