

**Court No. - 2**

**Case :-** WRIT - C No. - 3459 of 2023

**Petitioner :-** Karam Chandra Dubey

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

**Counsel for Petitioner :-** Dinesh Kumar Tiwari, Mukesh Singh

**Counsel for Respondent :-** C.S.C., Mohan Singh

**Hon'ble Rajan Roy, J.**

**Hon'ble Saurabh Lavania, J.**

Heard.

Petitioner's counsel contends that there is an order dated 16.01.2023 passed by the Tehsildar, Baldirai, Sultanpur under Section 25 of the U.P. Revenue Code, 2006 which is not being implemented. We find from the provisions of Section 25 of the Code that the Tehsildar may, after such local inquiry as may be considered necessary, decide the matter with reference to the prevailing custom and with due regard to the convenience of all the parties concerned as to the rights of way and other easements and he may direct the removal of such obstacle and may, for that purpose, use or cause to be used such force as may be necessary and may recover the cost of such removal from the person concerned in the manner prescribed.

We see no reason to keep this matter pending before us as if the order dated 16.01.2023 is still in operation, meaning thereby, it has not been stayed or quashed by the higher forum/ court and if there is no proceeding pending before the higher forum/ court challenging the same then the Tehsildar is obliged to ensure its implementation under Section 25 of the Code, 2006. We, accordingly, direct Tehsildar, Baldirai, Sultanpur to get the facts verified and if he finds that the conditions aforesaid are satisfied and there is no legal hurdle in implementing the order then he shall ensure its implementation positively within three weeks. If there is any impediment, he shall inform the same in writing to the petitioner within the same period.

Accordingly, the writ petition is **disposed of**.

**(Saurabh Lavania, J.) (Rajan Roy, J.)**

**Order Date :-** 28.4.2023

Shanu/-