

Court No. - 30

Case :- WRIT - B No. - 1519 of 2022

Petitioner :- Smt. Poonam Devi

Respondent :- Board Of Revenue And 4 Others

Counsel for Petitioner :- Harsh Vikram,Dharm Vir Jaiswal

Counsel for Respondent :- CSC,Alka Srivastava,Azad Rai

Hon'ble Chandra Kumar Rai,J.

Heard Sri D.V. Jaiswal, learned counsel for the petitioner, Sri Santosh Kumar Srivastava, Advocate holding brief of Ms. Alka Srivastava, learned counsel for respondent no.5, learned Standing Counsel for respondent no.1 to 3 and Sri Azad Rai, learned counsel for respondent no.4- Gaon Sabha.

Learned counsel for the petitioner submitted that in the proceeding under Section 34 of the U.P. Land Revenue Act, the mutation was passed in favour of respondent no.5 without giving an opportunity of hearing to the petitioner. Against which, the restoration application was filed which was allowed by the Tehsildar. He further submitted that against the order dated 7.6.2003 allowing the restoration application by the Tehsildar, parties have not appeared before the Tehsildar, accordingly, the order was passed on 11th March, 2005. He further submitted that after 14 years, restoration application was filed which was rejected on 5.11.2018, the appeal filed by respondent no.5 against the order dated 5.11.2018 was arbitrarily allowed by order dated 5.10.2019. He further submitted that revision filed by the petitioner against the appellate order dated 5.10.2019 has been dismissed by the Board of Revenue without considering the petitioner's case.

The matter requires consideration.

All the respondents will file counter affidavit within four weeks. Rejoinder may be filed within two weeks thereafter.

List this case in 3rd week of November, 2022.

Order Date :- 14.7.2022

Rameez