

Court No. - 49

Case :- WRIT - B No. - 1220 of 2025

Petitioner :- Ramkishun

Respondent :- State of U.P. and others

Counsel for Petitioner :- Indradeo

Counsel for Respondent :- Bhupendra Kumar Tripathi, C.S.C., Lal Dev

Hon'ble J.J. Munir, J.

The question involved in this petition is whether demarcation under Section 24 of the Uttar Pradesh Revenue Code, 2006 ('*Code for short*') can go on during consolidation operations being current in the village or the proceedings would be barred by Section 49 of the Uttar Pradesh Consolidation of Holdings Act, 1953 ('*Act of 1953 for short*')? The further question is if on the date of demarcation, consolidation operations were current and there was an order of *status quo* passed by the Settlement Officer of Consolidation in an appeal under Section 11(1) of the Act of 1953, could demarcation be done by the Revenue Authorities under Section 24 of the Code?

Notice on behalf of respondent Nos. 1 to 4 is accepted by Mr. Sanjay Kumar Ray, learned Standing Counsel, whereas that on behalf of respondent No. 5, by Mr. Bhupendra Kumar Tripathi, Advocate. Mr. Shikhar Tandon, Advocate holding brief of Mr. Lal Dev Chaurasiya, Advocate, likewise accepts notice on behalf of respondent No. 6. All the learned Counsel are granted two weeks' time to file a counter affidavit.

Adjourned to **08.05.2025**.

To be taken up in the additional cause list for **admission**, along with a report regarding status of pleadings.

Till the next date of listing, operation of the order dated 30.12.2022 passed by the Sub-Divisional Magistrate, Sakaldiha, Chandauli, the order dated 18.07.2023 passed by the Additional Commissioner (Administration), Varanasi Division, Varanasi and the orders dated 03.04.2024 and 03.01.2025 passed by the Member (Judicial), Board of Revenue, U.P. at Lucknow shall remain **stayed** and parties shall maintain *status quo* regarding possession, nature and character of the property in dispute.

The Registrar (Compliance) is directed to communicate this order to the Sub-Divisional Magistrate, Sakaldiha, Chandauli and the Additional Commissioner (Administration), Varanasi Division, Varanasi through the learned Chief Judicial Magistrates of Chandauli and Varanasi, respectively, and the Member (Judicial) concerned, Board of Revenue, U.P. at Lucknow through the Secretary, Board of Revenue, U.P. at Lucknow **within 24 hours next**.

Order Date :- 22.4.2025

I. Batabyal