

Court No. - 38

Case :- WRIT - B No. - 1778 of 2021

Petitioner :- Chhotey @ Shabir And 2 Others

Respondent :- Board Of Revenue And 11 Others

Counsel for Petitioner :- Pankaj Kumar Srivastava, Ambuj Srivastava

Counsel for Respondent :- C.S.C., Sher Bahadur Singh

Hon'ble Rajeev Misra, J.

Heard Mr. Pankaj Kumar Srivastava, learned counsel for petitioners, learned Standing Counsel for respondents-1 and 2 and Mr. S.B. Singh, learned counsel for respondent-3.

This writ petition has been filed challenging judgement and order dated 22.1.2018, passed by respondent-1 Board of Revenue U.P. at Allahabad in Revision No. 562 of 2015, whereby aforesaid revision has been allowed. Consequently, orders dated 24.7.2014 and 12.8.2014 impugned in aforesaid revision have been set aside.

Learned counsel for petitioner contends that by means of impugned order dated 22.1.2018, respondent-1 has allowed the revision and set aside the order dated 24.7.2014. However, respondent-1 did not remanded the matter before Sub-Divisional Magistrate, Bareilly for adjudication of suit. He, therefore, submits that impugned order to that extent is illegal and is therefore liable to be quashed/modified by this Court.

Per contra, learned Standing Counsel and Mr. S.B.Singh have tried to justify the impugend order

Having heard learned counsel for petitioners, learned Standing Counsel, Mr. S.B.Singh and upon perusal of record, the Court finds that issue raised by learned counsel for petitioner merits consideration.

Notice on behalf of respondents-1 and 2 has been accepted by learned Standing Counsel and Mr. S.B. Singh, Advocate, has put in appearance on behalf of respondent-3 Gaon Sabha.

Issue notice to respondents- 4, 5, 6, 7, 8, 9, 10, 11 and 12.

Steps for service upon respondents 4 to 12 be taken in accordance with Rules of the Court.

Learned Standing Counsel and Mr. S.B. Singh, pray for and are granted four weeks time to file counter affidavit. Respondents-4 to 12 may also file their counter affidavit within aforesaid period. Petitioners will have two weeks thereafter to file rejoinder affidavit.

Until further orders of this Court, parties shall maintain status quo with regard to nature and possession of the land in dispute.

Order Date :- 22.10.2021

Arshad