

Court No. - 17

Case :- WRIT - B No. - 5062 of 2018

Petitioner :- Leelawati And 4 Others

Respondent :- The Board Of Revenue U.P. And 4 Others

Counsel for Petitioner :- Abhishek Srivastava

Counsel for Respondent :- C.S.C.,Awdhesh Narayan Srivastava,Sandeep Kumar

Hon'ble Rajiv Joshi,J.

Heard counsel for the petitioners and Sri A.N. Srivastava appearing for respondent no. 3 to 5.

Some decree in the proceedings under section 229-B of the U.P.Z.A.L.R. Act, has been passed in favour of the contesting respondents in the year 1991, against which Writ-B No. 12646 of 2015, Ram Balak and another Vs. Board of Revenue and others, was preferred by the petitioners, wherein an interim order was granted restraining the parties from creating any third party right in the property in question and the said writ petition is still pending.

In the meantime, an application was moved by the respondents under section 33/39 of the U.P. Land Revenue Act, for implementation of the order passed in the proceedings under section 229-B of the U.P.Z.A.L.R. Act and the said application was allowed vide order dated 13.5.2016 by the Sub Divisional Officer. Aggrieved the petitioners preferred a revision which has been dismissed by the Board of Revenue vide impugned order dated 16.8.2018 affirming the order of the Sub Divisional Officer.

Contention of the counsel for petitioners is that a decree passed in the proceedings under section 229-B of the U.P.Z.A.L.R. Act, cannot be implemented in the proceedings under section 33/39 of the Land Revenue Act. According to the learned counsel, under section 33/39 of the said Act only clerical mistake can be corrected.

The matter requires consideration.

As prayed, a month's time is granted to the counsel for respondents to file counter affidavit.

Connect and list with Writ-B No. 12646 of 2015, Ram Balak and another Vs. Board of Revenue and others, in the week commencing 29.10.2018.

Order Date :- 18.9.2018

SNT/