

Court No. - 49

Case :- WRIT - B No. - 1593 of 2025

Petitioner :- Ram Avatar

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Jagdish Prasad Tripathi, Urmila Tripathi

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

Hon'ble J.J. Munir, J.

An identical issue is engaging the attention of this Court in Writ-B No. 939 of 2024 and the point appears to be that the petitioner was granted an *Assami Patta* in the year 1992 and continued in possession over the leased land. By an order dated 13.12.2007, the petitioner's name has been ordered to be expunged by the Sub Divisional Officer, Tehsil Jansath, District Muzaffarnagar in exercise of powers under Section 33/39 of the Land Revenue Act. It is contended by the learned counsel for the petitioner that this order has been passed without affording the opportunity of hearing.

Prima facie a reading of the order does show that it was passed without affording the opportunity of hearing. The revision carried from this order has been dismissed. Learned counsel for the petitioner submits that the order impugned is without opportunity and, therefore, void.

Connect with Writ-B No. 939 of 2024.

Issue notice.

Notice on behalf of respondent nos. 1 to 4 is accepted by Mr. Girijesh Kumar Tripathi, learned Additional Chief Standing Counsel and that on behalf of respondent no. 5 by Mr. Kaushal Kishor Mani, Advocate. Both the learned counsel for the

respondents are granted two weeks time to file a counter affidavit.

List for admission on 19.05.2025 along with the connected matter.

The office shall put in a report regarding status of pleadings.

Till the next date of listing, parties shall maintain status quo regarding possession, nature and character of the property in dispute.

Let this order be communicated to the Sub Divisional Magistrate, Tehsil Jansath, District Muzaffarnagar through the Chief Judicial Magistrate, Muzaffarnagar by the Registrar (compliance) within **24 hours**.

Order Date :- 5.5.2025

Brijesh Maurya