

## Chunni Lal vs State Of U.P. And 4 Others on 1 May, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68551

Court No. - 34

Case :- WRIT - C No. - 36955 of 2024

Petitioner :- Chunni Lal

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

Counsel for Petitioner :- Devendra Tiwari Deva

Counsel for Respondent :- Arun Kumar Pandey,C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

Shri Devendra Tiwari Deva, learned counsel for the petitioner and Shri Nand Lal Maurya, learned Standing Counsel for the State-respondents are present.

Shri Arun Kumar Pandey has accepted notice on behalf of Gram Sabha-respondent No. 5.

Learned counsel for the petitioner has filed a supplementary affidavit dated 12.12.2024 in the Court today. The same is taken on record.

The petitioner by way of the aforesaid supplementary affidavit dated 12.12.2024 has filed the certified copy of the order dated 21.10.2024 passed by the Assistant Collector-Ist Class Rampur, passed under Section 67 of the U.P. Revenue Code, 2006.

Submission of learned counsel for the petitioner is that the same respondent authority i.e. respondent No. 4 vide order dated 19.9.2024 cancelled the earlier order dated 9.10.2023, but again passed the same order vide its order dated 21.10.2024.

Contention of learned counsel for the petitioner is that the aforesaid order dated 21.10.2024 is nothing, but repetition of the earlier order dated 9.6.2021.

It has been very emphatically argued by the learned counsel for the petitioner that the above mentioned order dated 21.10.2024 has been passed by the respondent No.4 without taking into consideration the legal and bona fide objections raised by the petitioner and as such, the same is not sustainable in law.

Learned Standing Counsel appearing on behalf of the respondent raised a preliminary objection regarding the entertainability of present writ petitioner. He submits that under Section 67(5) of the U.P. Revenue Code, 2006 the petitioner is having an efficacious statutory remedy of appeal, to challenge the order dated 21.10.2024 passed under Section 67 of the U.P. Revenue Code, 2016.

Since the availability of an efficacious statutory remedy of appeal under Section 67(5) of the U.P. Revenue Code, 2006 could not be disputed by the learned counsel for the petitioner, this Court is of the view that no useful purpose would be served to keep the present writ petition pending, in view of the availability of statutory remedy of appeal as provided under Section 67(5) of the U.P. Revenue Code, 2006.

Accordingly, the present writ petition is disposed of with liberty to the petitioner to file appeal under Section 67(5) of the U.P. Revenue Code, 2006 against the order dated 21.10.2024 before the Collector concerned. It is provided that in case the petitioner files an appeal under Section 67(5) of the U.P. Revenue Code, 2006 against the aforesaid order dated 21.10.2024 within a period of thirty days from today, the same shall be entertained by the Collector concerned on its' merit and the same shall be decided within a period of six months as provided under Rule 183(4) of the U.P. Revenue Code Rules, 2016.

Order Date :- 1.5.2025 Sumaira