

Rajjan Lal vs State Of U.P Thru. Prin. Secy. Revenue ... on 1 April, 2025

Author: Saurabh Lavania

Bench: Saurabh Lavania

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:18097

Court No. - 7

Case :- WRIT - C No. - 5312 of 2023

Petitioner :- Rajjan Lal

Respondent :- State Of U.P Thru. Prin. Secy. Revenue Civil Sectt. Lko And 4 Others

Counsel for Petitioner :- Ambika Prasad Pathak, Ali Akhtar Zaidi, Sunil Pandey, Vijai Bahad

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey, Namit Sharma, Rama Niwas Pathak, Ravi

Hon'ble Saurabh Lavania, J.

1. Heard learned counsel for the petitioner, learned State Counsel, Shri Savitra Vardhan Singh, learned counsel for respondent no.3-Nagar Nigam, Shri Rama Niwas Pathak, learned counsel for respondent no.4 and perused the material brought on record.

2. Impeaching the order dated 18.11.2022 passed in Case No.134 of 2014 (Ram Shankar Vs. Rajjan Lal & others); Computerized Case No.C2014100000134, under Section 333 of U.P. Zamindari Abolition and Land Reforms Act, 1950 (in short 'Act 1950'), the petitioner approached this Court by means of the instant petition.

3. It would be apt to indicate that vide order dated 18.11.2022 the Additional Commissioner (Administration), Lucknow Division, Lucknow allowed the Case No.134 of 2014 and set aside the order dated 13.12.2013, passed in the proceedings instituted under Section 198(4) of Act 1950, registered as Case no.20/77/130/138/238/Year 2013-14 (Ramshankar Vs. Rajjan & others) whereby the case was dismissed.

4. While entertaining the present petition, after taking note of the facts of the case including the facts related to demolition of the house of the petitioner, this Court protected the interest of the petitioner vide order dated 27.06.2023, which reads as under:-

"1. Heard learned counsel for the petitioner and learned Standing Counsel for the respondent nos.1 and 2.

2. Shri Savitra Vardhan Singh, Advocate has put in appearance on behalf of respondent no.3.

3. Notice has been accepted by Shri Dileep Kumar Pandey, Advocate on behalf of respondent no. 5.

4. Issue notice to respondent no. 4 returnable at an early date.

5. It has been submitted by learned counsel for the petitioner that petitioner filed Suit under Section 229B of The Uttar Pradesh Zamindari Abolition & Land Reforms Act (in short 'U.P.Z.A.L.R. Act'). The suit was decreed in favour of the petitioner on 25.05.2022 and his name was recorded in the revenue record. Thereafter, the proceeding under Section 122-B (4) of U.P.Z.A.L.R. Act was also instituted and vide order dated 18.11.2007 the case was allowed in favour of the petitioner. The respondent no.4 without challenging the order under Section 122 B (4) filed an application under Section 198 (4) of UPZALR Act for cancellation of lease. The said application was dismissed by detailed order on 13.12.2013 against which the respondent no. 4 filed revision before the respondent no. 2. The case was fixed for hearing on 13.09.2022 and next date was fixed as 18.10.2022. On 10.10.2022, the revisionist moved an application on which respondent no. 2 fixed the date as 10.10.2022. It has been submitted by learned counsel for the petitioner that the said application was listed at Serial No. 117 on 10.10.2022 and case was again fixed for 02.02.2023 but the judgment in the revision was passed on 18.11.2022, which is ante dated. It has been submitted by learned counsel for the petitioner that without affording opportunity of hearing, ex-parte order has been passed. Learned counsel further submitted that in pursuance of the impugned order, the demolition proceeding has been initiated by Nagar Nigam on 14.06.2023. It has been submitted that half of the constructed portion of the house has been demolished and the rest is standing and it has been submitted that date has been fixed for demolition of the remaining construction for 04.07.2023.

6. The matter requires consideration.

7. All the respondents are directed to file counter affidavit within four weeks.

8. Till the next date of listing, the demolition proceeding initiated by respondent no. 3 will not be carried out against the remaining construction of the house of the petitioner.

9. List in the first week of August, 2023."

4. It would also be relevant to indicate that prior to approaching this Court, the petitioner filed an application for restoration of the case before the Revisional Authority and the said application has now been allowed by the Revisional Authority vide order dated 27.10.2023 and the order under challenge in the instant writ petition dated 18.11.2022 has been recalled. The said order dated 27.10.2023 reads as under.

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5. In view of the aforesaid, this Court finds that present petition has now become infructuous. It is accordingly consigned to records with liberty to the parties to pursue their case before the Revisional Authority who is expected to conclude the same within six months, if there is no legal impediment, by passing a reasoned and speaking order in the matter after taking note of entire facts of the case including the fact related to proceeding under Section 229-B of the Act 1950.

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