

**AFR****Court No. - 21****Reserved****Case :- WRIT - C No. - 3849 of 2009****Petitioner :- Shiv Ram****Respondent :- State Of U.P. & Others****Counsel for Petitioner :- S.C. Varma, Satyendra Kumar Singh, Virendra Singh****Counsel for Respondent :- C.S.C., V.K. Singh****Connected with****1. Case :- WRIT - C No. - 690 of 2009****Petitioner :- Riyasat****Respondent :- State Of U.P. & Others****Counsel for Petitioner :- Anil Kumar Aditya****Counsel for Respondent :- C.S.C., Anuj Kumar, Bashist Tiwari, G.M. Tripathi****2. Case :- WRIT - C No. - 6447 of 1986****Petitioner :- Janki Sharan****Respondent :- State Of U.P. And Others****Counsel for Petitioner :- Bashisth Tiwari, G.M. Tripathi, Vashist Tewari****Counsel for Respondent :- S.C.****3. Case :- WRIT - C No. - 8939 of 1994****Petitioner :- Karan Singh****Respondent :- A. Collector****Counsel for Petitioner :- B.B. Paul****Counsel for Respondent :- S.C., D.D. Chauhan, V.K. Singh****4. Case :- WRIT - C No. - 21418 of 2014****Petitioner :- Smt. Dorinda Lorraine Innes****Respondent :- State Of U.P. And 3 Ors.****Counsel for Petitioner :- Kamlesh Kumar Nishad, R.D. Singh****Counsel for Respondent :- C.S.C., Diwakar Singh****5. Case :- WRIT - C No. - 8324 of 2008****Petitioner :- Brijendra Singh****Respondent :- State Of U.P. Thru' Secretary Revenue Deptt. & Others**

**Counsel for Petitioner :-** A.R. Dube

**Counsel for Respondent :-** C.S.C.,Anuj Kumar,V.K. Singh

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**Hon'ble V. K. Shukla, J.**

**Hon'ble Ram Surat Ram (Maurya),J.**

**Hon'ble Mahesh Chandra Tripathi, J.**

**[Delivered by Ram Surat Ram (Maurya), J.]**

1. Heard Sri S. C. Varma along with Sri Anil Kumar Aditya for the petitioners and Sri C. B. Yadav, Additional Advocate General, along with Sri Shashank Shekhar Singh, Additional Chief Standing Counsel, for State of U.P.

2. Due to conflict in opinion between two Hon'ble Single Judges in the cases of **Sewak Shanker Vs. Additional Collector, Agra and others, 1985 ALJ 746** and **Shanker Saran and others Vs. State of U. P. and others, 1987 AWC 755**, on the issue of maintainability of writ petition, challenging orders passed in proceeding under Section 122-B of U.P. Act No.1 of 1951(hereinafter referred to as "the Act"), the matter was placed before the Division Bench in **Rajendra Singh Vs. State of U.P., 2008 (4) ADJ 37 (DB)**, under the orders of Hon'ble the Chief Justice for resolving the same. The Division Bench framed the following question for consideration:

"Whether as per Section 122-B, sub-section (4-C), (4-D) and (4-E) of the U. P. Z. A. & L. R. Act, 1950, civil suit is the appropriate remedy to resolve the dispute ?"

Or

"Whether writ petition could lie against any order under sub-section irrespective of availability of alternative and efficacious remedy of civil suit ?"

The Division Bench held that in view of alternative and efficacious remedy of suit, under the statute itself, writ jurisdiction of this Court cannot be invoked.

3. Correctness of dictum laid down by the Division Bench in **Rajendra**

**Singh** (supra), was doubted by a Single Judge, who has referred the following questions to be answered by a larger Bench, for which this Bench has been constituted by Hon'ble the Chief Justice:-

(i). Whether the Division Bench in the case of Rajendra Singh (supra) is correct in holding that writ petition challenging the orders passed in proceedings under Section 122-B of the U. P. Zamindari Abolition & Land Reforms Act would not be maintainable in view of alternative remedy of suit provided by the Statute itself, against the orders passed by the Assistant Collector or the Collector in the said proceedings?

(ii). Whether the view expressed by the Division Bench in the case of Rajendra Singh (supra) that since a remedy by way of suit has been provided in sub section (4-D) of Section 122-B, the writ petition challenging the order passed in proceedings under Section 122-B would be barred by principles of existence of alternative remedy requires reconsideration in view of Division Benches of co-ordinate jurisdiction in the case of K.H. Panjani Vs. State of U.P., AIR 1959 All. 26 (DB), Smt. Shanti Devi Vs. State of U.P., 1978 AWC 189 and Satyapal Singh Chauhan Vs. Chairman-cum-chief Executive Officer, 1984 UPLBEC 587 (DB) as well as Full Bench decisions in the case of Buddhu Vs. Municipal Board, AIR 1952 All 753 (FB) and Bijli Cotton Mills Pvt. Ltd., Hathras Vs. Estate Officer/Secretary, National Textile Corporation, U.P. & Ors. 1977 AWC 191 (SB)?

(iii). Whether the Division Bench judgment in the case of Rajendra Singh (supra) holding that "civil suit" is the appropriate remedy to resolve every dispute under Section 122-B of U.P.Z.A. & L.R. Act, lays down the correct law, even though the legislature has used the words "suit in a court of competent jurisdiction in sub section "4-D", and Section 331 of the U.P.Z.A. & L.R. Act specifically bars the jurisdiction of civil court, in respect of any suit, application or proceedings based on a cause of action in respect of which relief could be granted by Revenue

courts?

4. By U.P. Act No. XXXVII of 1958, the Act was amended, adding Section 122-A, giving power of superintendence, management, preservation and control of all land vested in Gaon Sabha to Land Management Committee of the village. By U.P. Act No. XXVIII of 1961, Section 122-B was added, providing a summary procedure for ejection of an unauthorised occupants of the land vested in State of U.P./Gaon Sabha/Local Authority and realization of damages for use and occupation and misappropriation of such property. Rules 115-C etc. were also framed, giving procedures for initiation and deciding the proceeding under Section 122-B of the Act. Various amendments were also made in it time to time, making a complete summary procedure for ejection of unauthorised occupants from the land of State/Gaon Sabha/Local Authority and imposition of fine for use/occupation and misappropriation of such land. Section 122-B of the Act, as amended, is quoted below:-

**122-B. Powers of the Land Management Committee and the Collector.**- (1) Where any property vested under the provisions of this Act in a Gaon Sabha or a local authority is damaged or misappropriated or where any Gaon Sabha or local authority is entitled to take or retain possession of any land under the provisions of this Act and such land is occupied otherwise than in accordance with the provisions of this Act, the Land Management Committee or local authority, as the case may be, shall inform the Assistant Collector concerned in the manner prescribed.

(2) Where from the information received under sub-section (1) or otherwise, the Assistant Collector is satisfied that any property referred to in sub-section (1) has been damaged or misappropriated or any person is in occupation of any land, referred to in that sub-section, in contravention of the provisions of this Act, he shall issue notice to the person concerned to show cause why compensation for damage, misappropriation or wrongful occupation as mentioned in such notice be not recovered from him or, as the case may be, why he should not be evicted from such land.

(3) If the person to whom a notice has been issued under sub-section (2) fails to show cause within the time specified in the notice or within such extended time not exceeding [thirty days] from the date of service of such notice on such person, as the Assistant Collector may allow in this behalf, or if the cause shown is found to be insufficient, the Assistant Collector may direct that such person may be evicted from the land and

may for that purpose, use, or cause to be used such force as may be necessary and may direct that the amount of compensation for damage, misappropriation or wrongful occupation be recovered from such person as arrears of land revenue.

(4) If the Assistant Collector is of opinion that the person showing cause is not guilty of causing the damage or misappropriation or wrongful occupation referred to in the notice under sub-section (2) he shall discharge the notice.

(4-A) Any person aggrieved by the order of the Assistant Collector under sub-section (3) or sub-section (4) may, within thirty days from the date of such order, prefer a revision before the Collector on the grounds mentioned in clauses (a) to (e) of Section 333.

(4-B) The procedure to be followed in any action taken under this Section shall be such as may be prescribed.

(4-C) Notwithstanding anything contained in Section 333 or Section 333-A, but subject to the provisions of this section -

(i) every order of the Assistant Collector under this section shall, subject to the provisions of sub-sections (4-A) and (4-D), be final,

(ii) every order of the Collector under this section shall, subject to the provisions of sub-section (4-D), be final.

(4-D) Any person aggrieved by the order of the Assistant Collector or Collector in respect of any property under this section may file a suit in a court of competent jurisdiction to establish the right claimed by him in such property.

(4-E) No such suit as is referred to in sub-section (4-D) shall lie against an order of the Assistant Collector if a revision is preferred to the Collector under sub-section (4-A).

*Explanation.-* For the purposes of this section, the expression 'Collector' means the officer appointed as 'Collector' under the provisions of the U.P. Land Revenue Act, 1901 and includes as Additional Collector.

(4-F) Notwithstanding anything in the foregoing sub-sections, where any agricultural labourer belonging to a Scheduled Caste or Scheduled Tribe is in occupation of any land vested in a Gaon Sabha under Section 117 (not being land mentioned in Section 132) having occupied it from before May 13, 2007 and the land so occupied together with land, if any, held by him from before the said date as *bhumidhar, sirdar or asami*, does not exceed 1.26 hectare (3.125 acres), then no action under this section shall be taken by the Land Management Committee or the Collector against such labourer, and he shall be admitted as *bhumidhar* with non-transferable rights of that land under Section 195 and it shall not be necessary for him to institute a suit for declaration of his rights as

bhumidhar with non-transferable rights in that land.

(5) Rules 115 -C to 115 -H of the U.P. Zamindari Abolition and Land Reforms Rules, 1952, shall be and be always deemed to have been made under the U.P. Zamindari Abolition and Land Reforms Act, 1950, as amended by the Uttar Pradesh Land Laws (Second Amendment) Act, 1961, as if this section has been in force on all material dates and shall accordingly continue in force until altered or repealed or amended in accordance with the provisions of this Act.

5. Some amendments were made in the Act, by U.P. Act No. 20 of 1982, w.e.f. 20.08.1982, which are necessary for consideration in this case. Sub-sections (1) to (4-E) were substituted in Section 122-B. Section 122-B (4-A) provides for revision , before the Collector from the order of Assistant Collector. Section 122-B (4-D) provides for a suit, against the orders of Assistant Collector or the Collector to establish his right over disputed land. Section 122-B (4-C) makes the orders of Assistant Collector and the Collector as final subject to suit. Section 122-B (4-E) bars suit from the revisional order. Simultaneously a proviso was added under Section 229-D of the Act, taking jurisdiction of the Revenue Court, of granting interim injunction, in the suit, in which the order passed under Section 122-B is challenged. Legislative intention by adding proviso to Section 229-D is that an unauthorised occupant over public land be ejected as early as possible.

6. Section 122-B of the Act provides a summary procedure, for ejectment of unauthorised occupants from the land vested in State/Gaon Sabha/Local Authority and realization of fine. State/Gaon Sabha/Local Authority is not under obligation to file a suit under Section 229 read with Section 209 of the Act, for ejectment of unauthorised occupants, as under the law, relief can be obtained under Section 122-B of the Act. However, the proceeding, being summary in nature, Assistant Collector used to decide the cases under this provision in a cursory manner. It always happens that Assistant Collector used to pass order of ejectment and impose fine relying upon Lekhpal's report or his statement, without considering the objection of the opposite party. Under the law, burden of proof is upon a person, who asserts a fact for a particular relief,

to prove that fact in order to get the relief. If the opposite party denied his occupation on State land then State/Gaon Sabha/ Local Authority is liable to prove illegal occupation of the opposite party as well as period of occupation on State land. Sometime dispute relating to identity of the land is raised. In spite of law laid down by Supreme Court in **Shreepat Vs. Rajendra Prasad, 2000 (7) JT 379 (SC)**, that survey report is necessary in order to ascertain identity of the land, survey is not conducted and order of ejectment etc. is passed. If a party does not claim any right over disputed land but raising dispute relating to identity of the disputed land his suit under Section 122-B(4-D) may not be maintainable as in effect it may be a suit for negative declaration. If in a given case, without there being sufficient evidence to prove illegal occupation on State land, the order of ejectment and imposition of heavy penalty is passed, then according to Section 122-B (4-A), aggrieved person can file a revision before the Collector or under Section 122-B (4-D) can file a suit. But in view of proviso to Section 229-D, no interim injunction can be granted in the suit although it may involve demolition of construction or realization of heavy penalty. In such circumstances, availability of alternative remedy by way of suit itself may not be a ground for the High Court to refuse to exercise its jurisdiction as suit cannot be considered to be efficacious alternative remedy, which can be taken as a bar for entertaining writ petition, challenging orders passed under Section 122-B of the Act.

7. Article 226 and Article 227 of the Constitution, which confer extraordinary jurisdiction to the High Court to issue high prerogative writs and exercise supervisory jurisdiction over the authorities subordinate to it, are quoted below:-

**“226. Power of High Courts to issue certain writs.—(1)** Notwithstanding anything in Article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or

writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3) Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without—

(a) furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and

(b) giving such party an opportunity of being heard,

makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated.

(4) The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme Court by clause (2) of Article 32.”

**“227. Power of superintendence over all courts by the High Court.—**

(1) Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.

(2) Without prejudice to the generality of the foregoing provision, the High Court may—

(a) call for returns from such courts;

(b) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and

(c) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts.

(3) The High Court may also settle tables of fees to be allowed to the sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders practising therein:

Provided that any rules made, forms prescribed or tables settled under clause (2) or clause (3) shall not be inconsistent with the provision of any law for the time being in force, and shall require the previous approval of the Governor.

(4) Nothing in this article shall be deemed to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to the Armed Forces.”

8. Jurisdiction under Article 226 and 227 are wide and expansive. The Constitution does not place any fetter on exercise of extraordinary jurisdiction. High Court, under Article 226 is required to protect fundamental rights of the citizens and to enforce rule of law to prevent miscarriage of justice. In exercise of power of judicial review, High Court can examine illegality, irrationality and procedural impropriety of an order passed by State or Statutory Authority. A seven Judges Constitution Bench of Supreme Court in **L. Chandra Kumar v. Union of India, AIR 1997 SC 1125**, held that the

jurisdiction conferred upon the High Courts and the Supreme Court under Articles 226 and 32 of the Constitution respectively, is part of the basic structure of the Constitution. Same view has been taken in **Union of India v. Shri Kant Sharma, (2015) 6 SCC 773**. A thirteen-Judge Constitution Bench, in **Kesavananda Bharti Vs. State of Kerala, AIR 1973 SC 1461**, held that though, by virtue of Article 368, Parliament is empowered to amend the Constitution, that power cannot be exercised so as to damage the basic features of the Constitution or to destroy its basic structure.

9. Finality attached to the orders passed by Statutory Authority under the Act, also does not affect the jurisdiction of High Court under Article 226 and 227 of the Constitution to examine its illegality, irrationality and procedural impropriety as held by Constitution Bench of Supreme Court in **Lila Vati Bai Vs. State of Bombay, AIR 1957 SC 521** and in other cases of **Union of India Vs. A.V. Narasimhalu, (1969) 2 SCC 658** and **State of H.P. Vs. Dhanwant Singh, AIR 2004 SC 1636**. As such jurisdiction of High Court under Article 226 and 227 of the Constitution can neither be taken away nor be limited either by Constitutional amendments or by other legislations of Central Government or State Governments.

10. However power under Article 226 and 227 of the Constitution has to be exercised within the limits as propounded time to time by Apex Court. A nine-Judge Bench of Supreme Court in **Mafatlal Industries Ltd. v. Union of India, (1997) 5 SCC 536**, while considering the Excise Act and Customs Act held that “the jurisdiction of the High Court under Article 226 and this Court under Article 32 though cannot be circumscribed by the provisions of the said enactments, they will certainly have due regard to the legislative intent evidenced by the provisions of the said Acts and would exercise their jurisdiction consistent with the provisions of the Act. While the jurisdiction of the High Courts under Article 226 and of this Court under Article 32 cannot be circumscribed by the provisions of the said enactments, they will certainly have due regard to the legislative intent evidenced by the provisions of the

said Acts and would exercise their jurisdiction consistent with the provisions of the Act. The writ petition will be considered and disposed of in the light of and in accordance with the provisions of Section 11-B. This is for the reason that the power under Article 226 has to be exercised to effectuate the rule of law and not for abrogating it.”

11. Rule of alternative remedy is a self imposed restriction and not a rule of law as held by Supreme Court in **BALCO Captive Power Plant vs. National Thermal Power Corpn., (2007)11 SCC 234 and Committee of Management vs. Vice Chancellor, AIR 2009 SC 1159**. When an aggrieved person has an efficacious, effective alternative remedy under the law, High Court can relegate such person to seek his remedy under the Statute, instead of entertaining writ petition. A constitution Bench of Supreme Court in **State of M.P. Vs. Bhailal Bhai, AIR 1964 SC 1006**, held that Article 226 is not intended to supersede completely the modes of obtaining relief in a civil suit. When writ petition raises a highly disputed question of fact, High Court can refuse to entertain a writ petition. Supreme Court in **Gunwant Kaur v. Municipal Committee, Bhatinda, (1969) 3 SCC 769**, held that if, however, on consideration of the nature of the controversy, the High Court decides, as in the present case, that it should go into a disputed question of fact and the discretion exercised by the High Court appears to be sound and in conformity with judicial principles, this Court would not interfere in appeal with the order made by the High Court in this respect. Similar view has been taken in **Babubhai Muljibhai Patel v. Nandlal Khodidas Barot, AIR 1974 SC 2105**.

12. Supreme Court in **Calcutta Discount Co. Ltd. vs. ITO, AIR 1961 SC 372, A.V.Venkateswaran vs. Ram Chand Sobhraj Wadhvani, AIR 1961 SC 1506**, Full Bench of this Court in **Buddhu vs. Municipal Board, AIR 1952 SC 753** and Special Bench in **Bijli Cotton Mills (Pvt) Ltd. vs. Estate Officer, 1977 AWC 191** held that when the authority passing the order had no jurisdiction or purported to usurp jurisdiction bar of alternative remedy will not apply.

13. Supreme Court in **Whirlpool Corpn. v. Registrar of Trade Marks, (1998) 8 SCC 1**, held that the power to issue prerogative writs under Article 226 of the Constitution is plenary in nature and is not limited by any other provision of the Constitution. This power can be exercised by the High Court not only for issuing writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari for the enforcement of any of the Fundamental Rights contained in Part III of the Constitution but also for “any other purpose”. Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has a discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has been consistently held by this Court not to operate as a bar in at least three contingencies, namely, where the writ petition has been filed for the enforcement of any of the Fundamental Rights or where there has been a violation of the principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged. There is a plethora of case-law on this point but to cut down this circle of forensic whirlpool, we would rely on some old decisions of the evolutionary era of the constitutional law as they still hold the field.

14. In **City and Industrial Development Corpn. v. Dosu Aardeshir Bhiwandiwalla, (2009) 1 SCC 168**, held that while exercising its jurisdiction under Article 226, High Court is duty-bound to consider whether:

- (a) adjudication of the writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;
- (b) the petition reveals all material facts;
- (c) the petitioner has any alternative or effective remedy for the resolution of the dispute;
- (d) the person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any laws of limitation;

(f) grant of relief is against public policy or barred by any valid law; and host of other factors.

15. Supreme Court in **CIT v. Chhabil Dass Agarwal, (2014) 1 SCC 603**, held that this Court has recognised some exceptions to the rule of alternative remedy i.e. where the statutory authority has not acted in accordance with the provisions of the enactment in question, or in defiance of the fundamental principles of judicial procedure, or has resorted to invoke the provisions which are repealed, or when an order has been passed in total violation of the principles of natural justice. In **Union of India v. Shri Kant Sharma, (2015) 6 SCC 773**, it has been held that it is settled law that non-entertainment of petitions under writ jurisdiction by the High Court when an efficacious alternative remedy is available is a rule of self-imposed limitation. It is essentially a rule of policy, convenience and discretion rather than a rule of law. Undoubtedly, it is within the discretion of the High Court to grant relief under Article 226 despite the existence of an alternative remedy. However, the High Court must not interfere if there is an adequate efficacious alternative remedy available to the petitioner and he has approached the High Court without availing the same unless he has made out an exceptional case warranting such interference or there exist sufficient grounds to invoke the extraordinary jurisdiction under Article 226. Thus, while it can be said that this Court has recognised some exceptions to the rule of alternative remedy i.e. where the statutory authority has not acted in accordance with the provisions of the enactment in question, or in defiance of the fundamental principles of judicial procedure, or has resorted to invoke the provisions which are repealed, or when an order has been passed in total violation of the principles of natural justice.

16. From the aforementioned cases, it is clear that writ jurisdiction is discretionary jurisdiction of the High Court.

(i) where the statutory authority has not acted in accordance with the

provisions of the enactment in question, or in defiance of the fundamental principles of judicial procedure, or has resorted to invoke the provisions which are repealed, or when an order has been passed in total violation of the principles of natural justice, High Court may entertain writ petition;

(ii) while exercising discretion High Court may consider that adjudication of the writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(iii) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(iv) the person invoking the jurisdiction is guilty of unexplained delay and laches;

(vi) grant of relief is against public policy or barred by any valid law; and host of other factors.

17. In view of the aforesaid discussions, we answer the questions referred to us as follows:-

(i) Answer to question (i) is in negative. The jurisdiction of High Court under Article 226 and 227 of the Constitution are basic structure of the Constitution, it can neither be taken away nor be limited either by Constitutional amendments or by other legislations of Central Government or State Governments or by judicial dicta.

(ii) Answer to question (ii) is in negative. Finality attached to the orders passed by Statutory authority under the Act, also does not affect the jurisdiction of High Court under Article 226 and 227 of the Constitution to examine its illegality, irrationality and procedural impropriety.

(iii) Answer to question (iii) is in negative. In view of Proviso to Section 229-D of the Act, the suit before Revenue Court may not be efficacious alternative remedy in a given case. The suit in Civil Court

may not be maintainable in every case in view of Section 331 of the Act. In the cases, where the Statutory Authority has not acted in accordance with the provisions of the enactment in question, or in defiance of the fundamental principles of judicial procedure, or has resorted to invoke the provisions, which are repealed, or when an order has been passed in total violation of the principles of natural justice, writ petition can be entertained.

The reference to the larger Bench stands answered accordingly. The writ petitions shall now be placed before Hon'ble Single Judge for disposal in the light of this judgment.

**Order Date:9.9.2016**

mt

**[V.K. Shukla]**

**[Ram Surat Ram (Maurya)]**

**[Mahesh Chandra Tripathi]**