

**Court No. - 51**

**Case :-** WRIT - C No. - 28345 of 2023

**Petitioner :-** Jagdish Prasad

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Sandeep Kumar Yadav, Ravindra Kumar Yadav

**Counsel for Respondent :-** C.S.C.

**Hon'ble Chandra Kumar Rai, J.**

1. Heard learned counsel for the petitioner and Mr. Shridhar Tripathi, learned Standing Counsel for the State-respondents.

2. The instant petition has been filed for the following relief:

*"i. Issue, a writ, order or direction in the nature of mandamus commanding the Respondent no.3/Tahsildar, Tahsil- Aurai, District- Bhadohi to ensure the implementation of the order dated 21.12.2022 passed by respondent no.3 in Case No.2174 of 2021 (Report Lekhpal vs. Mahendra Kumar), Case No.2171 of 2021 (Report Lekhpal vs. Vijay Bahadur), Case No.2175 of 2021 (Report Lekhpal vs. Shyamdhara), Case No.2172 of 2021 (Report Lekhpal Vs. Jwala Prasad), Case No.2173 of 2021 (Report Lekhpal vs. Lalji) & Case No.2176 of 2021 (Report Lekhpal vs. Jhallar), under Section 67 of U.P. Revenue Code, 2006."*

3. In compliance of the order of this Court dated 29.8.2023, instruction dated 11.9.2023 has been placed before the Court by learned Standing Counsel for the State-respondents, which is taken on record.

4. Mr. Shridhar Tripathi, learned Standing Counsel for the State-respondents on the basis of instruction dated 11.9.2023 submitted that against the order dated 21.12.2022 passed by the Tahsildar, under Section 67 of U.P. Revenue Code, 2006 restoration application has been filed by the private respondents which is pending before respondent no.3 i.e. Tahsildar, Tahsil- Aurai, District- Bhadohi. He further submitted that last date fixed in the matter was 14.9.2023. He next submitted that after the disposal of pending restoration matter, the appropriate step shall be taken for eviction of the unauthorized occupant in respect to the plot in question.

5. In view of the facts mentioned in the instruction dated 11.9.2023, the instant writ petition is finally **disposed of** directing respondent no.3 - Tahsildar, Tahsil- Aurai, District- Bhadohi to decide the restoration application filed by the private respondents against the order dated 21.12.2022 passed against the private respondents being restoration Case Nos.T0202316670604093, T0202316670604094, T0202316670604092, T0202316670604095 & T0202316670604091 after affording proper opportunity of hearing to both parties in accordance with law, expeditiously preferably within a period of two months from the

date of production of certified copy of this order before him.

6. It is made clear that this Court has not expressed any opinion on the merits of the case.

**Order Date :- 26.10.2023**

Rameez