

Court No. - 52

Case :- WRIT - C No. - 28020 of 2023

Petitioner :- Smt. Malti Devi

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Suresh Singh

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Suresh Singh, learned counsel for petitioner and Sri Dhananjay Singh, learned Standing Counsel for the State-respondent nos.1 to 3.

2. The present petition has been preferred for seeking quashing of the exparte order dated 19.10.2022 passed by respondent no.3 and further a direction in the nature of mandamus be issued in favour of respondent no.3 to decide the recall application dated 31.05.2023 preferred by the petitioner for recalling the order dated 19.10.2022.

3. It is the apprehension of the petitioner that during pendency of recall application, the opposite party will interfere in peaceful possession of the petitioner and being the less resourced person, petitioner may be ousted from legal possession as she is holding today.

4. On precise query as made before learned counsel for the petitioner that whether any application seeking interim relief has been preferred by petitioner before respondent no.3, on fair submission, learned counsel for petitioner submitted that no specific application has ever been preferred by the petitioner for seeking interim protection while filing the recall application, since the recall application has already preferred in the month of May, 2023 itself.

5. For ventilating the grievances and apprehension of the petitioner, he is hereby directed to prefer an application for seeking interim protection whatsoever will be in the interest of justice for procurement of legitimate rights pertaining to him before respondent no.3 within a period of one month from today and the

same shall be decided within a month thereafter by the same respondent.

6. However, it is made clear that no coercive action shall be taken against the petitioner for a period of one month from today in pursuance of the order dated 19.10.2022 passed by respondent no.3.

7. The present petition stands **disposed of** accordingly

Order Date :- 16.10.2023

Vivek Kr.