

Court No. - 52

Case :- WRIT - C No. - 28789 of 2023

Petitioner :- Ram Asare

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Ranjeet, Phool Chandra Saroj

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Ranjeet, learned counsel for the petitioner and Sri Dhananjay Singh, learned Standing counsel appearing on behalf of respondent nos. 1 to 3 as well as Sri Bhupendra Kumar Tripathi, learned counsel for respondent no. 4.

2. Present petition has been filed seeking a direction in the nature of mandamus to be issued in favour of the respondent no.2 to decide the application dated 11.07.2023 preferred by the petitioner and ensure the possession of the petitioner over Arazi No.242, area 0.123 hectare, situated at Village Rajepur, Pargana Saremu, Tehsil Sadar, District Jaunpur.

3. Today when the matter has been taken up, learned Standing Counsel came up with the specific instructions which is taken on record through which it has been transpired that on the application preferred by the petitioner for demarcation of the aforesaid land, vide order dated 30.06.2023, the respondent no.2 directed for erection of permanent marks. Being aggrieved with order dated 30.06.2023, respondent no.5 preferred a recall application for seeking recall of the order dated 30.06.2023 before respondent no.2 and the same is still pending to be adjudicated, respondent no.2 vide order dated 29.09.2023 has already stayed the effect and operation of the order dated 30.06.2023 till disposal of recall application and next date is fixed for 07.11.2023.

4. Since recall application for seeking recall of the order dated 30.06.2023 is pending to be adjudicated finally and the order dated 30.06.2023 has also been stayed till the disposal of recall application, there is hardly any cause of action arises in favour of the petitioner to pursue the instant petition.

5. Accordingly, the present petition stands **disposed of**.

Order Date :- 13.10.2023/Vivek Kr.