

Court No. - 49

Case :- WRIT - B No. - 3008 of 2023

Petitioner :- Chandrawati And Another

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

Counsel for Petitioner :- Sunil Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Supplementary affidavit dated 30.10.2023 filed by learned counsel for the petitioner is taken on record.
2. Heard Sri Sunil Kumar Singh, learned counsel for the petitioners and Sri Jitendra Narain Rai, learned Additional Chief Standing Counsel for the State-respondent nos. 1 to 3.
3. The contention of the learned counsel for the petitioners is that the court of Tahsildar vide order dated 03.09.2022 rejected the restoration application dated 22.02.2000 filed by the petitioner on the ground of delay of one day and also rejected the interim order dated 08.03.2002.
4. Aggrieved by the order, the petitioners challenged the said order dated 03.09.2022 before the learned Board of Revenue by means of a revision which was registered as Revision No. REV/2683/2022, Computer Case No. AL20221509002683 (Chandrawati & others Vs. Tahsildar Sikandarpur & others), under Section 210 of U.P. Revenue Code, 2006.
5. The submission as advanced by the learned counsel for the petitioners is that the restoration application which has been rejected by the court of Tahsildar was delayed only by one day but the same has been rejected on the technical ground of delay, without taking into consideration the seriousness of the matter. He further submits that the revision preferred by the petitioners assailing the aforesaid order dated 03.09.2022 has been filed along with an application for stay on 21.09.2022 but the same is still pending for orders.
6. Learned counsel for the petitioners has emphatically argued that there was an interim order in favour of the petitioners but the same has been rejected in the most arbitrary manner only on the ground that the aforesaid restoration application was time barred by one day.

7. Learned counsel for the petitioners has prayed for a writ in the nature of mandamus directing the learned Board of Revenue (respondent no. 2) to expeditiously decide the said application dated 21.09.2022.

8. Learned standing counsel for the State submits that he has no objection to the extent that a direction is issued to the respondent no. 2 to decide the said application within the stipulated time as fixed by this Court, in accordance with law.

9. In view of the nature of the order proposed to be passed, the service of notice upon the respondent no. 4 is dispensed with.

10. Considering the above-mentioned facts and circumstances, without advertng on the merits of the case and with the consent of the learned counsel for the parties, this Court deems it proper to dispose of this writ petition at this sage with a direction to the learned Board of Revenue (respondent no. 2) to consider and pass appropriate orders strictly in accordance with law, on the application for stay filed by the petitioners along with the aforementioned revision on the next date fixed in the case pending before the learned Board of Revenue or within the maximum period of three months thereafter, whichever is earlier.

11. With these observations and directions, the writ petition is **disposed of**.

Order Date :- 3.11.2023

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