

Court No. - 39

Case :- WRIT - C No. - 28753 of 2023

Petitioner :- Sarvesh Kumar Pathak

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Shrish Chandra

Counsel for Respondent :- C.S.C.

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

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

2. Solitary submission advanced on behalf of the petitioner is, while there may be no defect in the original recovery certificate dated 12th June, 2023, within five days of the said original recovery certificate the original order giving rise to the recovery certificate came to be modified by the Revising Authority vide order dated 17th June, 2023. Despite the above fact being pointed out by the petitioner by means of his representation dated 7th July, 2023 filed before respondent no.3, neither any correction has been made in the recovery certificate nor the recovery proceedings have been withdrawn.

3. In view of such facts noted above, without entering into the merits of the claim set up by the petitioner, we deem it appropriate, the District Magistrate, Sonbhadra may apply his mind as to the applicability to the order dated 17th June, 2023 passed by the Revising Authority to the pending recovery certificate dated 12th June, 2023. Such exercise may be completed within four weeks from today.

4. For a period of four weeks from today or till the issuance of appropriate reasoned order, further proceedings pursuant to the recovery certificate dated 12th June, 2023 may be kept in abeyance.

5. This writ petition is **disposed of** subject to the observations/directions made above.

(Shiv Shanker Prasad, J.)

(Saumitra Dayal Singh, J.)

Order Date :- 2.11.2023

Sushil/-