

Court No. - 47

Case :- WRIT - C No. - 29737 of 2023

Petitioner :- Arvind Kumar Gupta And 5 Others

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

Counsel for Petitioner :- Sachida Nand Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

1. Heard Sri Mohit Varma, Advocate holding brief of Sri Sachida Nand Tripathi, learned counsel for the petitioner, learned Standing Counsel for the State and perused the record.

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

"A. Issue a writ order or direction in the nature of mandamus directing the respondent no. 2 to decide the restoration application dated 28.04.2023 filed in Case No. T20160531037393 (Dileep and others Versus Mohar and others), under section 33/39 of U.P. L.R. Act against the order of mutation dated 14.07.2016 in respect to sale deed dated 05.06.1975 being ignored made after preparation of C.H. Form 41 and 45 of U.P.C.H. Act be decided within stipulated period."

3. Contention of the learned counsel for the petitioner is that against an ex-parte order dated 14.07.2016 passed in proceedings under 33/39 of the U.P. Land Revenue Act, the petitioner has filed a restoration application and the same is pending.

5. No useful purpose would be served in keeping this petition pending.

6. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present petition stands disposed of finally with a direction to respondent No. 2/Assistant Collector, Sadar, District Gorakhpur to consider and decide the aforementioned restoration application, in accordance with law, expeditiously, preferably within a period of **four months** from the date of production of a certified copy of this order.

7. In case, the opposite party has not appeared before the court below, the court below shall ensure the presence of opposite party and pass the order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

Order Date :- 1.11.2023/Ved Prakash