

Court No. - 47

Case :- WRIT - C No. - 31552 of 2023

Petitioner :- Gavendra Pratap Singh And 3 Others

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Geetam Singh

Counsel for Respondent :- C.S.C., Arun Kumar Pandey

Hon'ble Manish Kumar Nigam, J.

1. Certified copy of the order sheet has been provided by learned counsel for the petitioner and the same is taken on record.
2. Learned counsel for the petitioner prays that he does not want to press the first relief of the writ petition.
3. Contention of the learned counsel for the petitioner is that against the orders passed in proceedings under Section 116 of U.P. Revenue Code, 2006, the petitioner has filed a restoration application dated 03.05.2023 for recall of the orders passed by the court below and the same is pending.
4. From the perusal of the order sheet, it appears that the opposite party has not put in appearance in the restoration application.
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/Sub Divisional Magistrate, Tehsil Gunnor, District Sambhal to consider and decide the aforementioned recall application, in accordance with law, expeditiously, preferably within a period of **three months** from the date of production of a certified copy of this order.
7. It is made clear that since the opposite party has not put in appearance, the respondent no. 2 before passing the order shall ensure the presence of opposite party nos. 4 to 10 in the writ petition and decide the application 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