

Court No. - 52

Case :- WRIT - C No. - 32665 of 2023

Petitioner :- Om Prakash

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

Counsel for Petitioner :- Jawahar Lal Yadava

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Jawahar Lal Yadava, learned counsel for petitioner and learned Standing counsel for State respondents.

2. Present petition has been filed seeking following reliefs:

"1. A writ of mandamus directing to the respondent no. 2 to give the possession over the gata no. 205 area 0.0603 hectare, situated in village Lakhmapur, Pargahan-Mahul, Tehsil-Phoolpur, District Azamgarh in pursuance of the field book prepared by revenue inspector and order dated 26.12.2020 passed by Sub Divisional Magistrate, Phoolpur, District Azamgarh (respondent no. 2), under Section of 24 of the Land Revenue Code, 2006.

2. A writ order or direction in the nature of mandamus directing to the respondent no. 2 to decide the application dated 06.08.2022 moved by the petitioner to the Sub. Divisional Magistrate, Phoolpur, District Azamgarh (respondent no. 2) for compliance of the order dated 26.12.2020 passed by Sub. Divisional Magistrate, Phoolpur, District Azamgarh (respondent no. -2) under Section of 24 of the Land Revenue Code, 2006."

3. At the very outset, learned Standing counsel came up with specific instructions which is taken on record through which it transpired that against the order dated 26.12.2020, restoration application dated 16.07.2021 and 19.07.2021 was preferred by one Surfuddin and Chander which was allowed and order dated 26.12.2020 has been quashed by respondent no. 2 and next date fixed in the restoration case is 09.11.2023.

4. In view of the aforementioned facts and circumstances, it is apparent that the order dated 26.12.2020, compliance of which has been sought through the instant petition, has already been quashed and as such no cause of action survives for petitioner to pursue the instant petition and the same stands ***disposed of.***

Order Date :- 2.11.2023

Shaswat