

Court No. - 51

Case :- WRIT - C No. - 33710 of 2023

Petitioner :- Kalyan Singh

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

Counsel for Petitioner :- Rakesh Chandra Tiwari

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

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Rakesh Chandra Tiwari, learned counsel for the petitioner, Mr. Anand Bhaskar Srivastava, learned Standing Counsel for the State-respondents and Mr. Arun Kumar Pandey, learned counsel for the respondent- Gaon Sabha.

2. On 30.11.2023 following order was passed by this Court:

"1. Mr. Anmol Kumar Dubey, Advocate states that he has got instruction from legal heirs of respondent no.4. He further submitted that respondent no.4 is dead and the legal heirs have not been impleaded in the instant petition.

2. Learned counsel for the petitioner is directed to obtain instruction about the status of respondent no.4 within one week.

3. Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents has placed the instruction dated 22.11.2023 before the Court, which is taken on record.

4. Learned Additional Chief Standing Counsel on the basis of instruction dated 22.11.2023 submitted that the petitioner has also filed a restoration application against the impugned order dated 20.1.2023 and the restoration application has been allowed also vide order dated 8.11.2023 setting aside the order dated 20.1.2023. He further submitted that next date fixed in the matter is 11.12.2023, as such, no cause of action survives in the matter.

5. Learned Additional Chief Standing Counsel shall serve the copy of the instruction dated 22.11.2023 upon learned counsel for the petitioner during course of the day.

6. Learned counsel for the petitioner is also directed to obtain instruction in the matter as to whether the order impugned has been set aside by the Court concerned on the restoration application of the petitioner.

7. Put up this case as fresh on 12.12.2023 at 2:00 P.M."

3. Learned counsel for the petitioner submitted that the impugned order has already been recalled on the restoration application filed by the petitioner, as such, no cause of action survives in the matter.

4. In view of the above, the writ petition is finally ***disposed of*** directing respondent no.3 i.e. Sub-Divisional Magistrate, Tahsil- Gunnor, District- Amroha to decide the pending proceedings (Case No.RST/5175/2021, Computerized Case No.T202113380205175, under Section 41 of U.P. Land Revenue Act, 1901 in accordance with law after affording proper opportunity of hearing to both parties, expeditiously preferably within a period of three months from the date of production of certified copy of this order before respondent no.3.

Order Date :- 12.12.2023

Rameez