

Court No. - 47

Case :- WRIT - B No. - 3434 of 2023

Petitioner :- Om Prakash

Respondent :- Board Of Revenue And 6 Others

Counsel for Petitioner :- Himanshu Pandey, Shivani Singh

Counsel for Respondent :- C.S.C., Deepak Gaur, Rajiv Kumar Shukla, Suresh Kumar Gupta

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. The present petition has been filed for the following relief:

"i. Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 02.05.2023 so passed by the respondent No. 1 in Revision No. 1798 of 2021/ Jhansi (Lacchi Ram Vs. Addl. Comm (Judicial) Jhansi & others).

ii Issue a writ, order or direction in the nature of mandamus commanding the respondent No. 2 to hear, conclude and decide the recall/restoration application so filed by the contesting respondent No. 3 within a stipulated period of time as may be determined by this Hon'ble Court."

3. Contention of learned counsel for the petitioner is that the revision filed by respondent No. 3 against an order dated 07.09.2021, allowing the restoration application filed by the petitioner, was allowed and the order dated 07.09.2021 was set aside, without there being any further direction.

4. I am of the view that this petition is misconceived.

5. Accordingly, the writ petition is **dismissed** as once the order has been set aside deciding the restoration application, the restoration application is automatically revived and has to be considered on merits.

6. Since both the parties are present, it will be in the interest of justice that the restoration application filed by the petitioner may be considered and decided by the Commissioner, Jhansi Division, Jhansi to whom the matter was transferred by Board of Revenue

by order dated 27.08.2019, expeditiously, preferably within a period three weeks, in accordance with law after hearing all the concerned parties provided there is no other legal impediment.

Order Date :- 17.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)