

Court No. - 51

Case :- WRIT - C No. - 34800 of 2023

Petitioner :- Amar Nath Yadav

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

Counsel for Petitioner :- Kailash Nath

Counsel for Respondent :- C.S.C,Rameshwar Prasad Shukla

Hon'ble Chandra Kumar Rai,J.

1.Heard Mr. Kailash Nath, learned counsel for the petitioner, Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents and Mr. Rameshwar Prasad Shukla, learned counsel for Gram Panchayat.

2.The instant writ petition has been filed praying for a mandamus directing respondent No.2/ Sub District Magistrate, Phoolpur, Azamgarh to decide the case No.RST/03696/2018 computerized Case No.T201815060303693 under Section 101 of U.P. Revenue Code, 2006 within stipulated period.

3.Learned counsel for the petitioner submitted that proceeding under Section 101 of U.P. Revenue Code, 2006 was decided by the Court vide order dated 16.01.2018. He further submitted that against the order dated 16.01.2018 respondent No.4 Vishnu Kumar filed restoration application on 19.02.2018, which was allowed vide order dated 25.06.2018 by which order dated 16.01.2018 has been recalled. He further submitted that petitioner has filed restoration application on 09.07.2018 for recalling the order dated 25.06.2018 which has been allowed vide order dated 29.10.2021 and restoration application dated 19.2.2018 filed by respondent No.4 has been restored. Learned counsel for the petitioner further submitted that proper direction be issued for disposal of restoration application dated 19.02.2018/05.04.2018 in case

No.RST/03696/2018 computerized Case No.T201815060303693 within stipulated period. He further placed certified copy of the order sheet, which has been annexed as Annexure No.10 to the writ petition in order to demonstrate that the case is not proceeding expeditiously.

4. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the present petition stands **disposed of** finally with a direction to respondent No.2/ Sub District Magistrate, Phoolpur, Azamgarh to consider and decide the aforementioned proceeding in accordance with law expeditiously and preferably within a period of **two months** from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties.

Order Date :- 7.11.2023

PS*