

Court No. - 47

Case :- WRIT - C No. - 34195 of 2023

Petitioner :- Prem Shanker And 7 Others

Respondent :- State Of U.P. And 10 Others

Counsel for Petitioner :- Shekhar Srivastava Ii,R.B. Singh,Sharda Babu

Counsel for Respondent :- C.S.C.,Sher Bahadur Singh

Hon'ble Manish Kumar Nigam,J.

Ref:- Civil Misc. Amendment Application No. 2 of 2023.

1. Amendment application filed by the petitioners is allowed.
2. Learned counsel for the petitioners is directed to carry out the amendments during the course of day.

Order on Writ Petition.

3. Heard learned counsel for the parties and perused the record.
4. This writ petition has been filed for following reliefs:

"(i) to issue a writ, order or direction in the nature of mandamus, commanding and directing the Respondent no. 2/ District Revenue Officer/ Parganadhikari, Pargana Badaun, District Badaun to decide the Restoration Application dated 5.10.2023 pending before him expeditiously without any unnecessary adjournment.

(ii) to issue a writ order or direction in the nature of mandamus directing the respondents not to give effect to the impugned order dated order dated 31.05.2023 as well as order dated 19.06.2023 passed by the respondent no. 2 in Case No 04705/18 Nirvesh Kumar Singh Vs. Omendra Pratap Singh and others under Section 144 U.P Revenue Code, 2006.

(iii) to issue a writ, order or direction in the nature of mandamus directing the respondents not to interfere in the peaceful possession of the the petitioners over the land in dispute pursuant to the orders impugned"

5. Learned Standing Counsel has raised preliminary objection that against the order impugned, the petitioners have an alternative

remedy of filing an appeal.

6. At this stage, learned counsel for the petitioners prayed that after filing of the writ petition, the petitioners have filed a restoration application and same may be decided, expeditiously.

7. No useful purpose would be served in keeping this petition pending.

8. The present petition stands **disposed of** finally with a direction to respondent No. 2/ District Revenue Officer/ Parganadhikari Pargana Badaun, District Badaun to decide the restoration application dated 05.10.2023 filed by the petitioners, expeditiously, in accordance with law, 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 :- 6.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)