

Court No. - 51

Case :- WRIT - C No. - 34875 of 2023

Petitioner :- Smt Teharunnisha

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Alauddin, Fakhruddin

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner and Mr. Aditya Kesari, learned Standing Counsel for the State-respondents.
2. The instant petition has been filed for mandamus directing the respondent no.2 i.e. Tahsildar, Tahsil- Bansi, District- Siddharth Nagar to decide the Suit No.689 of 2021, Computerized Case No.T202117630200689 (Teharunnisha vs. Hasan Ali), under Section 34 of U.P. Revenue Code, 2006 along with the restoration application Suit No.RST/2229/2023, Computerized Case No.T202317630202229 (Subhan Ali Vs. Teharunnisha), under Section 209 (h) of U.P. Revenue Code, 2006 within stipulated period.
3. Learned counsel for the petitioner submitted that contesting respondent no.3 has filed the restoration application dated 5.4.2023, which is still pending. He further submitted that without allowing the application, the interim protection has been granted by the Tahsildar, which is illegal. He further placed the copy of the order sheet of the case, which has been annexed as Annexure No.3 to the petition in order to demonstrate that the case is not proceeding expeditiously.
4. Without expressing any opinion on merits of the case and keeping in view of the facts and circumstances, respondent no.2 is directed to conclude the proceeding of restoration application in Case No.689 of 2021, Computerized Case No.T202117630200689 (Teharunnisha vs. Hasan Ali), under Section 34 of U.P. Revenue Code, 2006 which has been registered as Case No. RST/2229/2023, Computerized Case No.T202317630202229 (Subhan Ali Vs. Teharunnisha), under Section 209 (h) of U.P. Revenue Code, 2006 on merits after giving an opportunity of hearing to the parties in accordance with law expeditiously preferably within a period of three months from the date of production of certified copy

of this order before him.

5. Accordingly, the writ petition is finally disposed of.

Order Date :- 6.11.2023

Rameez