

Court No. - 45

Case :- MATTERS UNDER ARTICLE 227 No. - 10701 of 2023

Petitioner :- Jay Chandra Chaudhary

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

Counsel for Petitioner :- Ganesh Kumar

Counsel for Respondent :- G.A.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Ganesh Kumar, learned counsel for the petitioner, Shri Ratan Singh, learned A.G.A. for the State-respondent, and perused the record.

2. Aggrieved by the order dated 31.5.2022 passed by the Sub Divisional Magistrate, Rudhauli, District Basti in Case No.28 of 2022 (Computerized Case No.T202217140400028) titled as Jay Chandra Chaudhary v. Firoz and others), the petitioner has preferred the present petition.

3. Submission of learned counsel for the petitioner is that there is no concealment of fact as stated in the finding of the impugned order. Attention was also drawn to an application dated 26.6.2022, which was filed before the Sub Divisional Magistrate, Rudhauli for affording an opportunity of hearing and recall of order dated 31.5.2022 (reliance is placed on Annexure-8 to the petition).

4. Having heard learned counsel for the petitioner and having gone through the record, the respondent no.1- Sub Divisional Magistrate, Rudhauli, Basti is directed to give an opportunity to the petitioner to place his case before him, and thereafter, the respondent no.1 shall pass a reasoned order, preferably, within a period of two months from today.

5. Needless to say that this Court has not gone in the merits of the case, neither taken note of the averments made in the petition. Such opportunity has been granted in the interest of justice to enable the petitioner to afford an opportunity to raise his grievances before the competent authority.

6. With the aforesaid observations, the instant petition is disposed off.

Order Date :- 23.11.2023

Anil K. Sharma

(Vinod Diwakar, J.)