

Court No. - 52

Case :- WRIT - C No. - 34921 of 2023

Petitioner :- Rishal Singh

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

Counsel for Petitioner :- Gauri Shanker Mishra

Counsel for Respondent :- C.S.C., Krishna Kant Singh

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Gauri Shanker Mishra, learned counsel for petitioner and learned Standing counsel for State respondents.
2. Learned counsel for petitioner submitted that there is hardly any possession of the petitioner available over the plot in question and the same has already been vacated but in spite of the same, the recovery certificate dated 01.03.2021 has been given effect to by way of realizing the same amount from the petitioner. It is also submitted by learned counsel for the petitioner that petitioner may be permitted to prefer an appeal and by that time the effect and operation initiated in pursuance to the recovery certificate dated 01.03.2021 may be kept in abeyance.
3. Learned Standing counsel for State respondents vehemently opposed the prayer as made through the instant petition.
4. After having the rival submissions extended by learned counsels appearing for the parties, petitioner is hereby permitted to withdraw the instant petition and directed to prefer an appeal along with separate application for seeking interim prayer and the same shall be decided by respondent no. 2 within 15 days from the date of filing the appeal. Learned counsel for the petitioner prays and is granted a months time from today to prefer an appeal.
5. However, it is made clear, if the appeal may be preferred within 30 days from today, no coercive action shall be taken against the petitioner in pursuance to the recovery certificate dated 01.03.2021. The responding authorities will be at liberty to take appropriate action after 10.12.2023, if the appeal will not be preferred by that time as mentioned above.
6. Writ petition stands ***disposed of*** accordingly.

Order Date :- 6.11.2023

Shaswat