

Court No. - 6

Case :- WRIT - C No. - 36445 of 2023

Petitioner :- Prem Chand

Respondent :- Sub Divisional Magistrate And Another

Counsel for Petitioner :- Prakash Chandra Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Prakash Chandra Tripathi, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

The petition has been filed with a prayer to direct the respondent no.1 (Sub Divisional Magistrate), Tehsil Farendra, District Maharajganj, to decide the recall application dated 09.05.2013 filed by the petitioner in case no.4/4/1989 (Premchand Vs. Assistant Development Officer), under Section 6A Panchayat Raj Act), within stipulated period.

Learned counsel for the petitioner submits that an order dated 21.11.1983 was passed by A.D.O. Panchayat, against which an appeal has been filed by the petitioner. The aforesaid appeal has been dismissed for non prosecution by order dated 12.12.2007, therefore, restoration application has been moved, which is pending since 2013. He further submits that a direction may be issued to the respondent no.1 to decide the restoration application, pending since 2013, within stipulated period.

Learned Standing Counsel has no objection to the aforesaid.

No useful purpose would be served by keeping this petition pending in view of the order, which the Court proposes to pass

hereunder.

Considering the facts and circumstance of the case, without expressing any opinion on the merits of the case, this writ petition is finally **disposed off** with a direction to the respondent no.1, Sub Divisional Magistrate, Tehsil Farendra, District Maharajganj, to decide the restoration application of the petitioner, in accordance with law, after giving opportunities of hearing to the parties concerned, by means of a reasoned and speaking order, as expeditiously as possible, preferably within a period of **two months**, from the date of production of a certified copy of this order, if there is no legal impediment.

Order Date :- 28.11.2023

Rahul.