

Court No. - 6

Case :- WRIT - C No. - 35945 of 2023

Petitioner :- Sandeep Yadav

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Alok Kumar Yadav, Vikas Chandra
Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Alok Kumar Yadav, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

With the consent of learned counsel for the parties, this writ petition is being finally disposed off at this stage without calling for a counter affidavit.

The present petition has been filed by the petitioner with the following prayer :-

*"I. Issue a writ order or direction in the nature of **certiorari** calling for the records and quashing the order dated 26.05.2023 passed by Respondent No.2 (**Annexure No.6** to this writ petition).*

*II. Issue a writ order or direction in the nature of **certiorari** calling for the records and quashing the order dated 25.03.2023 passed by Respondent No.2 (**Annexure No.5** to this writ petition).*

*III. Issue a writ order or direction in the nature of **certiorari** calling for the records and quashing the order dated 23.09.2022 passed by Respondent No.3 (**Annexure No.3** to this writ petition) and further no recovery shall be made pursuant to the order dated 23.09.2022.*

....."

Learned counsel for the petitioner submits that on the basis of an ex-parte order in proceedings under the Stamp Act, a recall application was moved on 21.01.2023, which has been rejected in an arbitrary manner by order dated 25.03.2023, therefore, he moved another recall application on 24.04.2023, explaining the reason for not appearing before the Court in the earlier recall application. Ignoring the same, the aforesaid application has been rejected in an arbitrary and mechanical manner without application of judicial mind on 26.05.2023, therefore, he may be granted an opportunity to appear before the Court to move fresh recall application which may be decided by a reasoned and speaking order.

Learned Standing Counsel for the State-respondent does not

have any objection in case a fresh recall application is moved and direction is given to decide the same within stipulated period.

Considering the facts and circumstance of the case, it is provided that the petitioner shall file a fresh recall application, ventilating all his grievances, before the competent authority, within three weeks from today along with a certified copy of this order. In case, such a recall application is being moved, the competent authority shall make all endeavours to consider and decide the same, in accordance with law, by means of a reasoned and speaking order, preferably within a period of **one month**, from the date of production of certified copy of this order, if there is no legal impediment.

Till two months, no coercive action pursuant to the ex-parte order dated 23.09.2022 shall be taken against the petitioner.

With the aforesaid observations, the writ petition is **disposed off**.

Order Date :- 16.11.2023

Kalp Nath Singh