

Court No. - 47

Case :- WRIT - C No. - 36102 of 2023

Petitioner :- Sachhidanand

Respondent :- State Of U.P. And 18 Others

Counsel for Petitioner :- Mustaqeem Ahmad

Counsel for Respondent :- C.S.C., Sudhir Bharti

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. The instant petition has been filed seeking following main relief :-

"i) Issue a writ in the nature of certiorari quashing the order dated 30.09.2023 passed by respondent no.2.

ii) Issue a writ order or direction in the nature of mandamus directing the respondent no.2 to complete the demarcation proceeding in pursuance of the order dated 25.08.2023."

3. Contention of learned counsel for the petitioner is that the order u/s 24 was passed on 25.8.2023. A recall application has been filed by respondents No.18 and 19 for recalling the order dated 25.8.2023 and on the aforesaid application, an order dated 30.9.2023 has been passed staying the said order. It is further contended by learned counsel for the petitioner that in the restoration application, date of order is mentioned as 28.8.2023, therefore, the respondent has erred in law in passing the order impugned.

4. Perused the order impugned from which it is clear that operation of the order dated 25.8.2023 has been stayed, not of the order dated 28.8.2023.

5. Since the proceedings are pending before respondent No.2, this Court is not inclined to pass any order.

6. In view of the above, this writ petition is **dismissed** with liberty to the petitioner to avail remedy as provided to him, under the law.

Order Date :- 17.10.2023

Rishabh

[Manish Kumar Nigam, J.]