

Court No. - 47

Case :- WRIT - C No. - 36897 of 2023

Petitioner :- Phoolchand

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ram Bachan Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and perused the record.

2. The instant writ petition has been filed for the following relief:

"(a) issue a writ, order or direction in the nature of certiorari to quash the impugned ex-parte order dated 28.08.2023 passed by respondent no. 2 (contained as Annexure No. 6 to this writ petition).

(b) issue a writ, order or direction in the nature of Mandamus directing the respondent No. 2 not to take any coercive measure against the petitioner in pursuance of said impugned order.

(c) issue a writ, order or direction in the nature of Mandamus directing the respondent No. 2 to decide the restoration/recall application dated 18.09.2023 filed by the petitioner and during the pendency of recall application no coercive action may be taken against the petitioner."

3. Contention of learned counsel for the petitioner is that against an ex-parte order dated 28.08.2023 passed in proceedings under Section 24 of U.P. Revenue Code, 2006, the petitioner has filed a restoration application on 18.09.2023 which is pending consideration. He prayed that the same may be decided, expeditiously.

4. No useful purpose would be served in keeping this petition pending.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present petition stands disposed of finally with a direction to respondent No. 2/Sub Divisional Magistrate, Tehsil Ghosi, District Mau to consider and decide the aforementioned restoration application, in accordance with law, expeditiously, preferably within a period of **three months** from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

Order Date :- 9.11.2023/Ved Prakash