

Court No. - 47

Case :- WRIT - C No. - 36861 of 2023

Petitioner :- Akash Dheever

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Gopal Das Srivastava

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.
2. The present petitioner has been filed for the following relief:-
"i) issue a writ, order or direction in the nature of mandamus commanding the respondent no. 3 to decide the restoration application dated 25/08/2023 of the petitioner filed in Case No. 3596 /2022, computerized Case No. D202214360003596 Vikram Vs. State of U.P. & another, under Section 59 (233(2) (14) of Uttar Pradesh Revenue Code, 2006 Village Gaura, Pargana & Tehsil- Mariahu, District- Jaunpur as expeditiously as possible preferably within 3 months.
ii) issue a writ, order or direction in the nature of mandamus commanding the respondents not to interfere in peaceful fishery lease/work of the petitioner till the disposal of his restoration application before the respondent no. 3."
3. Contention of learned counsel for the petitioner is that after a grant of fishery lease, same was cancelled by an ex-parte order dated 30.06.2023 passed by A.D.M. (Finance and Revenue) District- Jaunpur. Against the aforesaid order, the petitioner has filed a recall application on 25.08.2023 and same is pending. It has been contended by learned counsel for the petitioner that money has been deposited by the petitioner.
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. 3 Additional District Magistrate (Finance & Revenue) Jaunpur, District- Jaunpur, to consider and decide the

recall application of the petitioner, in accordance with law, expeditiously, preferably within a period of one month 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.

6. For the period of one month, parties are directed to maintain status quo.

Order Date :- 2.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)