

Court No. - 51

Case :- WRIT - C No. - 37547 of 2023

Petitioner :- Smt. Kabootari Devi

Respondent :- State Of U.P. And 34 Others

Counsel for Petitioner :- Anand Vijay Singh

Counsel for Respondent :- C.S.C., Rameshwar Prasad Shukla

Hon'ble Chandra Kumar Rai, J.

1. Heard Counsel for the petitioner, learned Standing Counsel for State-respondents and Mr. Rameshwar Prasad Shukla for respondent no.35, Land Management Committee.

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

" Issue a writ, order or direction in the nature of mandamus directing the concerned Court of Additional District Magistrate (Finance and Revenue), Ballia, to decide the restoration application/ Case No. 56/ 2019, Computerized case No. D201915090001495 (Smt. Kabootari Devi Vs. Achchhelal and others), within a fix period as specified by this Hon'ble Court, under the facts and circumstances of the case, so that proceedings filed under Section 28 of Land Revenue Act, may be decided on merit."

3. Counsel for the petitioner submitted that restoration application being case No. 56/ 2019, Computerized case No. D201915090001495 (Smt. Kabootari Devi Vs. Achchhelal and others) under Section 28 of U.P. Land Revenue Act filed on behalf of the petitioner along with the prayer for condonation of delay is pending before respondent no.2, Additional District Magistrate (Finance and Revenue), District- Ballia. He further submitted that application is pending for the last more than three years. He placed the copy of the restoration application as well as order sheet of the proceeding in order to demonstrate that case is not proceeding expeditiously.

4. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the present petition stands **disposed of** finally with a direction to respondent no.2, Additional District Magistrate (Finance and Revenue), District- Ballia to consider and decide the aforementioned restoration proceeding in accordance with law expeditiously and preferably within a period of **three months** from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties.

Order Date :- 1.11.2023/ Vandana Y.