

Court No. - 51

Case :- WRIT - C No. - 37421 of 2023

Petitioner :- Smt Rajkumari

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Bipin Mishra, Anil Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Anil Kumar Yadav, Counsel for the petitioner and Mr. Amit Kumar Srivastava, learned Standing Counsel for State-respondents.

2. The instant writ petition has been filed praying for a mandamus directing respondent No.2, Tehsildar, Tehsil Handia, District Allahabad (Prayagraj) to decide the restoration application dated 7.9.2016 filed on behalf of the petitioner to recall the ex-parte order dated 7.9.2016 after granting benefit of Section 5 of Limitation Act.

3. Counsel for the petitioner submitted that the aforesaid restoration application along with the prayer for condonation of delay is pending before respondent no.2 since 2017.

4. Copy of the order sheet has been annexed as Annexure No.5 to the writ petition in order to demonstrate that the restoration application is pending even expiry of more than 6 years.

5. 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, Tehsildar, Tehsil Handia, District Allahabad (Prayagraj) to consider and decide the aforementioned restoration application after passing necessary order on the delay condonation matter 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 :- 7.11.2023

Vandana Y.