

Court No. - 51

Case :- WRIT - C No. - 37637 of 2023

Petitioner :- Surya Bali Yadav

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

Counsel for Petitioner :- Shriprakash Shrivastava

Counsel for Respondent :- CSC

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Shriprakash Srivastava, Counsel for the petitioner and Mr. Abhinav Ojha, learned Standing Counsel for State-respondents.

2. The instant writ petition has been filed praying for a mandamus directing respondent No.2, Naib Tehsildar, Tarya, Tehsil Tamkuhiraj, District Kushi Nagar to decide the case No. RST/ 07256/ 2018 in Computerized case No. T201805440307256 (Smt. Sabujhai Vs. Smt. Asha Devi) under Section 35 of U.P. Revenue Code, 2006 within stipulated period.

3. Counsel for the petitioner submitted that restoration application dated 3.7.2023 filed on behalf of the petitioner against the ex-parte order dated 4.2.2019 passed in the mutation proceeding along with the prayer for condonation of delay is pending before respondent no.2. He further placed the copy of the order sheet has been annexed as Annexure No. 4 to the writ petition in order to demonstrate that matter is pending before respondent no.2 which 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, Naib Tehsildar, Tarya, Tehsil Tamkuhiraj, District Kushi Nagar to consider and decide the aforementioned restoration application along with prayer for condonation of delay dated 3.7.2023 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.