

Court No. - 47

Case :- WRIT - C No. - 38555 of 2023

Petitioner :- Smt. Mamta Devi And Another

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

Counsel for Petitioner :- Brij Bhushan Pandey

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

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 following relief:

"(i) issue a writ, order or direction in the nature of certiorari quashing the order dated 14.07.2023 by which the respondent no. 2 has Ex-parte allowed the Recall Application Under Section - 209(h) of U.P. Revenue Code, 2006 filed by the Respondent no. 4, against the order dated 03.07.2023 passed in Case No. 02185 of 2020, Computerized Case No. T202014291102185 (Mamta and others Vs. Ramesh), Under Section-34 of U.P. Revenue Code."

3. Contention of the learned counsel for the petitioner that an order was passed on 03.07.2023, after hearing all the concerned parties, a restoration application was moved by respondent no. 4 on 14.07.2023. On the very same date, the operation of order dated 03.07.2023 was stayed. It has also been informed by the learned counsel for the petitioner that the petitioner has appeared before the court below and is contesting the restoration application.

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 Tehsildar, Judicial, Tehsil Kasimabad, District Ghazipur to consider and decide the aforementioned restoration application, 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.

Order Date :- 20.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)