

Court No. - 47

Case :- WRIT - C No. - 37928 of 2023

Petitioner :- Indrwati @ Indrawati

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

Counsel for Petitioner :- Omkar Nath Rai

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

1. Heard learned Counsel for the parties and perused the record.

2. The present petition has been filed for the following relief:

I. A writ order or direction in the nature of mandamus commanding and directing the Respondent no.2 (Tehsildar, Tehsil Tamkuhiraj, District Kushinagar) to consider and decide the restoration application dated 08.04.2022 filed by petitioner for recalling the order dated 30.03.2022 passed in Case No.4084/2021 Computerized Case No.T2021054404084 (Indrwati alias Indrawati Vs. Satyawapati alias Satyawan) under Section 35 of U.P. Revenue Code, 2006 within stipulated period which is pending since 8.4.2022."

3. It has been contended by learned Counsel for the petitioner is that against the order dated 30.3.2022, petitioner has filed a restoration application on 8.4.2022 and the same is pending since then.

4. Learned Counsel for the petitioner submitted that opposite party appeared before the court below. He prayed that the same may be decided expeditiously.

5. From perusal of the order-sheet, annexed as Annexure No.5 to the writ petition, it appears that several dates have been fixed by the court concerned and the opposite party has appeared before the court below, however, till date, the aforesaid case has not been decided.

6. No useful purpose would be served in keeping this petition pending.

7. 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 the respondent No.2, Tehsildar, Tehsil-Tamkuhiraj, District-Kushinagar to consider and decide the aforementioned application in accordance with law within a period of two 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 provided that there is no other legal impediment.

Order Date :- 9.11.2023

S. Singh