

Court No. - 47

Case :- WRIT - C No. - 38607 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 :- CSC, Bhupendra Kumar Tripathi

Hon'ble Manish Kumar Nigam, J.

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

2. The instant writ petition has been filed seeking 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.02184 of 2020, Computerized Case No.T202014291102184 (Mamta and others vs. Ramesh), Under Section-34 of U.P. Revenue Code.

ii) issue a writ, order or direction in the nature of mandamus directing the respondents not to interfere in peaceful possession of the Petitioner over Gata No.356 area 0.6655 Hect., situated at Mauja - Chauthi Bandh, Paragana - Jahurabad, Tehsil - Kasimabad, District - Ghazipur."

3. Contention of learned counsel for the petitioners is that the order dated 14.7.2023 is an ex parte order on a recall application moved by respondent No.4. It has also been informed by learned counsel for the petitioner that petitioner has already filed his objections on 28.8.2023.

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

5. As both the parties appeared before the Court below, the recall application filed by respondent No.4 shall be heard and decided finally by the authorities concerned, in accordance with law, expeditiously, preferably within a period of four weeks 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 there is no other legal impediment.

Order Date :- 21.11.2023

Rishabh

[Manish Kumar Nigam, J.]