

Court No. - 47

Case :- WRIT - C No. - 39045 of 2023

Petitioner :- Venkateshwar Kumar

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Ranjeet Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

1. Heard Sri Dashrathi Dass, Advocate holding brief of Sri Ranjeet Singh, 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:

"(a) Issue a writ, order or direction in the nature of Mandamus commanding/directing the respondent No.2- Sub-Divisional Magistrate, Tehsil Ballia Sadar, District Ballia to decide the Case No. 177 of 2023 (Computerized No. T202315090300177), Satya Narayan Vs. Chandra Bhushan and others, filed under Section 209(Ja) of U.P. Revenue Code, 2006 pending before him expeditiously or within the stipulated period as may be fixed by this Hon'ble Court."

3. Contention of the learned counsel for the petitioner is that restoration application filed by the petitioner is pending since January, 2023. He prayed that the same may be decided, expeditiously.

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/Sub-Divisional Magistrate, Tehsil Ballia Sadar, District Ballia to consider and decide the aforementioned restoration application, in accordance with law, expeditiously, preferably within a period of **three months** 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 :- 5.12.2023

Ved Prakash

(Manish Kumar Nigam, J.)