

Court No. - 51

Case :- WRIT - C No. - 39244 of 2023

Petitioner :- Smt. Kusumawati Devi

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

Counsel for Petitioner :- Omkar Nath Rai

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1.Heard learned counsel for the petitioner, Mr. Sridhar Tripathi, learned Standing Counsel for the State-respondents.

2.The instant writ petition has been filed praying for a mandamus directing respondent no. 2 / Naib Tehsildar, (Taraya), Tehsil Tamkuhiraj, District Kushinagar to decide the restoration application dated 17.04.2023 filed by the petitioner for recalling the order 03.04.2013 under Section 35 of the U.P. Land Revenue Act, 1901 within stipulated period.

3. Learned counsel for the petitioner submitted that the mutation application filed on behalf of the petitioner was dismissed for non prosecution. He further submitted that within time application for restoration was filed but the same is still pending before the respondent no. 2. He further placed certified copy of the order-sheet which has been annexed as annexure-5 to the writ petition in order to demonstrate the matter is not proceeding expeditiously.

4. Considering the facts and circumstances of the case, the instant writ petition is finally **disposed of** with a direction to respondent No.2/ Naib Tehsildar, (Taraya), Tehsil Tamkuhiraj, District Kushinagar to consider and decide the aforementioned restoration proceedings in accordance with law expeditiously and preferably 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.

Order Date :- 16.11.2023

Manoj