

Court No. - 51

Case :- WRIT - C No. - 39441 of 2023

Petitioner :- Daya Prasad

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

Counsel for Petitioner :- Raman Pandey

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Chandra Kumar Rai, J.

1. Supplementary affidavit filed on behalf of the petitioner is taken on record.

2. Counsel for the petitioner is permitted to make necessary correction in the prayer clause of petition during the course of the day.

3. Heard learned counsel for the petitioner, Sri Aditya Kesari, learned standing counsel for the state-respondents and Sri Pankaj Kumar Gupta, learned counsel for respondent-gaon sabha.

4. The instant writ petition has been filed, seeking a writ of mandamus, commanding respondent no.3- Tehsildar/Assistant Collector, Tehsil Rudhauli, District Basti to decide Case No.67/2012-13 (Computerized Case No.T201317140400035) (State vs. Daya Prasad and Others), under Section 122-B of the U.P. Z.A. & L.R. Act, 1950, within the stipulated time.

5. Counsel for the petitioner states that an order for ejectment and damages passed by the Tehsildar in *ex parte* manner on 14.8.2013, was set aside on the restoration application filed by the petitioner and the case has been restored to its original number. He submitted that the proceedings are still pending before the Tehsildar which shall be decided in accordance with law.

6. In view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.3 to decide the aforesaid proceedings under Section 122-B of the U.P. Z.A. & L.R. Act, 1950, as expeditiously as possible, in accordance with law.

Order Date :- 1.12.2023/C.Prakash