

Court No. - 47

Case :- WRIT - C No. - 40137 of 2023

Petitioner :- Smt. Jaitoon

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Hari Om Sharan Tiwari, Yogendra Nath Ram

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 instant writ petition has been filed seeking following relief :-

"i) Issue a writ, order or direction in the nature of certiorari , quashing impugned order dated 29.09.2023 passed by the respondent no.3/Sub Divisional Magistrate, Tehsil - Gabhana, District Aligarh in Case No.3035 of 2023, Computerized Case No. T202318020403035 (State Versus Jaitoon) Under Section 104/105 of the U.P. Revenue Code, 2006 (Annexure No. 4 to this Writ Petition) and impugned order dated 15.06.2023 passed by the respondent no.4/Naib Tehsildar, Barauli, Tehsil - Gabhana, District - Aligarh in Case No. RST/4332/2022, Computerized Case No. T202218020404332 (Jaitoon Versus Sonwati Devi) U/s 34 of the U.P. Revenue Code, 2006 (Annexure No.3 to the Writ Petition).

ii) Issue a writ, order direction in the nature of mandamus, commanding and directing the respondent No.3 and 4 not to give effect to the impugned orders dated 15.06.2023 and 29.09.2023 during the pendency of the present writ petition before this Hon'ble Court."

3. Contention of learned counsel for the petitioner is that petitioner does not belong to Scheduled Caste and, therefore, there was no requirement of obtaining any permission from the authorities concerned.

4. Learned Standing Counsel has raised an objection that petitioner can file an application for recall of the order impugned in case the allegation made by the petitioner is correct.

5. In view of the above, it would be in the interest of justice that petitioner may file recall application before respondent No.3 for recalling the order dated 29.9.2003. In case, such

objection has been filed within a period of 10 days from today, the same shall be considered and decided, in accordance with law, expeditiously, preferably within a period of one month after providing opportunity of hearing to all the concerned parties.

6. With the aforesaid observations, the writ petition stands **disposed of**.

7. Till disposal of the recall application, parties are directed to maintain *status quo*.

Order Date :- 30.11.2023

Rishabh

[Manish Kumar Nigam, J.]