

Court No. - 51

Case :- WRIT - C No. - 39466 of 2023

Petitioner :- Singasan Gupta

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Hriday Narayan Pandey, Ram Sunder Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Learned counsel for petitioner is permitted to make necessary correction in the index of the writ petition during course of the day.

2. Heard Mr.H.N. Pandey, learned counsel for the petitioner and Mr. Govind Kumar Saxena, learned Additional Chief Standing Counsel for the State-respondents.

3. The instant writ petition has been filed praying for a mandamus directing the Sub Divisional Magistrate, Mohammadabad, Ghazipur to decide the restoration application dated 27.12.2019 within stipulated period.

4. Learned counsel for the petitioner submitted that proceeding under Section 67 A of U.P. Revenue Code, 2006 has been concluded in favour of the petitioner in accordance with law. He further submitted that aforementioned restoration application has been filed in the respondent No.2/ Budhiram, who has filed affidavit on 19.04.2021 that he has not any restoration application. He further submitted that alleged restoration application is pending since 27.12.2019 for adjudication.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the present petition stands **disposed of** finally with a direction to the Sub Divisional Magistrate, Mohammadabad, Ghazipur to consider and

decide the aforementioned restoration application dated 27.12.2019 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.

6. It is made clear that respondent No.1/Sub Divisional Magistrate shall also consider the alleged affidavit dated 19.4.2021, which is stated to be filed by respondent No.2/Budhiram in the restoration proceeding.

Order Date :- 8.12.2023
PS*