

Court No. - 51

Case :- WRIT - C No. - 39877 of 2023

Petitioner :- Ajay Kumar

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

Counsel for Petitioner :- Gyanendra Pratap Singh, Manish Prajapati

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Manish Prajapati, learned counsel for the petitioner and Mr. Sarvam Dwivedi, learned Standing Counsel for the State-respondents.

2. The instant petition has been filed for mandamus directing the respondent no.2 i.e. Nayab Tahsildar, Tahsil- Pindra, District- Varanasi to decide the restoration application dated 2.8.2022 in Case No.T202114700207692 (Rampatti Devi Vs. Shravan Kumar), under Section 34/35 of U.P. Revenue Code, 2006 within stipulated period.

3. Learned counsel for the petitioner submitted that the aforementioned mutation case has been decided in ex-parte manner, accordingly, within time restoration application dated 2.8.2022 against the order dated 23.7.2022 has been filed, which is pending before the Tahsildar even after expiry of more than one year. He further submitted that the copy of order sheet of the case has been annexed as Annexure No.4 to the petition in order to demonstrate that the case is not proceeding expeditiously.

4. Without expressing any opinion on merits of the case and keeping in view of the facts and circumstances, respondent no.2 is directed to decide the aforementioned restoration application dated 2.8.2022 in Case No.T202114700207692 (Rampatti Devi Vs. Shravan Kumar) after giving an opportunity of hearing to the parties in accordance with law expeditiously preferably within a period of two months from the date of production of certified copy of this order before him.

5. Accordingly, the writ petition is finally ***disposed of***.

6. It is made clear that this Court has not expressed any opinion on the merit of the restoration application.

Order Date :- 29.11.2023

Rameez