

Court No. - 47

Case :- WRIT - C No. - 40251 of 2023

Petitioner :- Arvind Kumar

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Sudhir Kant Dixit

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

1. Heard learned Counsel for the parties and perused the record.

2. This writ petition has been filed for the following relief :-

"(A). Issue a writ order or direction in the nature of the certiorari quash the impugned order dated 10.02.2020 passed by respondent no.3 (Sub Divisional Officer, Tehsil & Pargana-Jalaun, District Jalaun) in Case No.02695 of 2019, Computerized Case No.T201906350102695 (Nagar Palika Jalaun Vs. Arvind Kumar), under Section 38(2) U.P. Revenue Code, 2006, whereby the restoration application of the petitioner rejected by the concerned respondent authority on account of delay filed by the petitioner on 7.5.2018 before the concerned respondent authority.

B. Issue a writ order or direction in the nature of the mandamus commanding the respondent no.3 (Sub Divisional Officer, Tehsil & Pargana-Jalaun, District Jalaun) to pass the fresh order after reconsider the grievances of the petitioner and providing the proper opportunity notice to the petitioner for the restoration application dated 7.5.2018 and decide the restoration application of the petitioner within stipulated time, as so specified by this Hon'ble Court, after affording the proper opportunity to the petitioner."

3. Learned Standing Counsel has raised a preliminary objection that the petitioner has an effective alternative remedy of filing an appeal under the provisions of U.P. Revenue Code, 2006.

4. Since, the petitioner has an alternative remedy, I am not inclined to interfere in the matter.

5. The writ petition is **dismissed** with liberty to the petitioner to avail the remedy available to him under the provisions of U.P. Revenue Code, 2006.

Order Date :- 1.12.2023

S. Singh