

Court No. - 47

Case :- WRIT - C No. - 39904 of 2023

Petitioner :- Smt. Minta Devi And 2 Others

Respondent :- State Of U.P. And 23 Others

Counsel for Petitioner :- Rama Shanker Yadav

Counsel for Respondent :- C.S.C, Bhupendra Kumar Tripathi

Hon'ble Manish Kumar Nigam, J.

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

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

"i) issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 26.07.2023 passed by Up-Ziladhikari Tehsil Kerakat, District Jaunpur Case No. RST/2854/2023 Computerised Case No. T202314360502854 Minta and Others Vs. Nanhaki and others arising out of Case No. 699/2019 Computerised Case No. 201914360500699 Ramhit Vs. Ram Lal Under Section 116 of U.P. Revenue Code 2006 and to recall the order dated 28.10.2020 and pass fresh order after providing opportunity of hearing to the petitioners.

ii) issue a writ, order or direction in the nature of certiorari to quash the orders dated 1.7.2020 and 28.10.2020 passed by Up-Ziladhikari/Sub Divisional Magistrate, Tehsil Kerakat, District Jaunpur/Respondent No.2 in Case No.699 of 2019, Computer Case No.201914360500699, Ramhit Vs. Ram Lal, U/S 116 of U.P. Revenue Code and pass fresh order after providing opportunity of hearing.

iii) issue a writ, order or direction in the nature of mandamus staying the effect and operation of the orders dated 1.7.2020 and 28.10.2020 passed by Up-Ziladhikari/Sub Divisional Magistrate, Tehsil Kerakat, District Jaunpur/Respondent No.2, during the pendency of the recall/restoration application i.e. Case No. RST/2854/2023 Computer Case No. T202314360502854 Minta and Others Vs. Nanhaki and others arising out of Case No. 201914360500699, Ramhit Vs. Ram Lal, U/S 116 of U.P. Revenue Code 2006 and to direct the Sub Divisional Magistrate to decide the restoration application within a specific period as fix by this Hon'ble Court."

3. Contention of learned counsel for the petitioners is that against the orders dated 1.7.2020 and 28.10.2020 passed in proceedings u/s 116 of U.P. Revenue Code, 2006 in Case No.699/2019 being Computerized Case No. 201914360500699 (Ramhit vs. Ram Lal), restoration application dated 7.2.2023 was filed by the petitioners on the ground that petitioners were not impleaded though the

petitioner was a necessary party. By order dated 26.6.2023, operation of the orders dated 1.7.2020 and 28.10.2020 was stayed by respondent No.2. On the next date i.e. 26.7.2023, interim order granted on 26.6.2023 was recalled without assigning any reason.

4. Since both the parties have appeared and are contesting the restoration application, no useful purpose would be served in keeping this writ petition pending.

5. In view of the above, this writ petition stands **disposed of** with a direction to respondent No.2 - UP Ziladhikari, Tehsil Kerakat, District Jaunpur to decide the restoration application being Restoration Application No. RST/2854/2023 (Computerised Case No.T202314360502854 Minta and Others Vs. Nanhaki and others arising out of Case No. 699/2019 Computerised Case No.201914360500699 Ramhit Vs. Ram Lal) under Section 116 of U.P. Revenue Code 2006, expeditiously, preferably, within a period of one month from the date of production of certified copy of this order after providing opportunity of hearing to all the concerned parties provided there is no other legal impediment.

6. Till disposal of the aforesaid restoration application, parties are directed to maintain status quo.

Order Date :- 21.11.2023

Rishabh

[Manish Kumar Nigam, J.]