

Court No. - 47

Case :- WRIT - C No. - 40667 of 2023

Petitioner :- Ram Bali

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Narsingh Pandey

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Manish Kumar Nigam, J.

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

2. The present petition has been filed for the following relief:

"a) to issue a writ order or direction in the nature of certiorari quashing the impugned order dated 05.09.2023 passed by respondent no. 2.

b) to issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to decide the recall application of petitioner, pending before him, within stipulated period which Hon'ble Court may deem fit and proper."

3. Against an order dated 29.06.1995 passed in proceedings under Section 229B of U.P.Z.A. & L.R. Act, a recall application has been moved by the petitioner in July, 2023. The stay application filed by the petitioner has been rejected by the court below by order dated 05.09.2023 on the ground that the restoration application has been filed after 28 years and it will not be appropriate to stay order without hearing the opposite party.

4. No illegality has been committed by the court below and in view of the same, I am not inclined to interfere in the matter.

5. However in the interest of justice, it is provided that the restoration application dated 28.07.2023 filed by the petitioner, which is pending, may be considered and decided by the respondent no. 2- Additional Officer (Judicial-I), Basti, District-Basti, expeditiously, preferably within a period of three months from the production of certified copy of this order, in accordance with law after providing opportunity of hearing to all concerned parties provided there is no other legal impediment.

6. With the aforesaid observation, this petition stands **disposed of**.

Order Date :- 4.12.2023

Nitika Sri.

(Manish Kumar Nigam, J.)