

Court No. - 47

Case :- WRIT - C No. - 41261 of 2023

Petitioner :- Jitendra Kumar Yadav

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

Counsel for Petitioner :- Adya Prasad Tewari, Prateek Shukla

Counsel for Respondent :- C.S.C., Vibhu Rai

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.
2. The instant writ petition has been filed praying for a mandamus directing respondent No.2 - Joint Magistrate, Tehsil Sadar, District Gorakhpur to decide the Recall Application dated 14.5.2008 in Suit No.293 of 2002-03 being Computerized Case No.T201605810317437, Ramashish vs. Subhagi arising out of proceedings u/s 229B of U.P.Z.A. & L.R. Act within stipulated period.
3. Learned counsel for the petitioner submitted that opposite party has appeared before the Court below and the aforesaid recall application is pending since 2016 for adjudication. He prayed that the same may be decided expeditiously.
4. No useful purpose would be served in keeping this petition pending.
5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present petition stands **disposed of** finally with a direction to respondent No.2 - Joint Magistrate, Tehsil Sadar, District Gorakhpur to consider and decide the aforesaid case, in accordance with law, expeditiously, preferably within a period of **three months** from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided there is no other legal impediment.

Order Date :- 30.11.2023

Rishabh

[Manish Kumar Nigam, J.]