

Court No. - 47

Case :- WRIT - C No. - 41226 of 2023

Petitioner :- Amar Deep Tyagi

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

Counsel for Petitioner :- Arvind Kumar 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. The instant petition has been filed seeking following relief :-

"i) Issue a writ, order or direction in the nature of certiorari quashing order dated 13.09.2021 passed by respondent no.3 in Case no. RST/289/2015, Computerized Case No. T202013380205842, Under Section 176, U.P.Z.A. Act and the revisional order dated 16.10.2023 passed by Apar Ayukt, Ist, Moradabad, Mandal Moradabad in Case No.1982 of 2021 (Computerized Case Nno. C202113000001982) (Amar DeepTyagi Vs Suraj Kumar Singh and others), Under Section 333 of U.P.Z.A. Act.

ii) Issue a writ, order or direction in the nature of mandamus directing/commanding the respondents to decide the appeal of the petitioner expeditiously."

3. Contention of learned counsel for the petitioner is that against the compromise decree passed in proceedings u/s 176 of the U.P.Z.A. & L.R. Act, 1950, a restoration application was filed by respondent No.4 and the same was allowed. Against the aforesaid order, petitioner filed a restoration application which has been rejected and revision filed by the petitioner has also been dismissed.

4. From the perusal of record, it appears that against the compromise decree in which the compromise was entered into by the mother on behalf of the minors, has been recalled on the application moved by respondent No.4 on whose behalf the alleged compromise was done.

5. Since the matter is pending before the Trial Court, it would be appropriate that the suit itself be decided on merits instead of interfering at the intermediate stage.

6. In view of the above, this Court is inclined to interfere in the matter.

7. Accordingly, the writ petition is **dismissed**. However, petitioner is at liberty to pursue the suit, in accordance with law.

Order Date :- 30.11.2023/Rishabh

[Manish Kumar Nigam, J.]