

Court No. - 40

Case :- WRIT - C No. - 41460 of 2023

Petitioner :- Shiv Kumar Walia

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

Counsel for Petitioner :- Rekha Pundir, Ramesh Pundir

Counsel for Respondent :- CSC

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and Sri S.C.Upadhyay, learned Standing Counsel for the State-respondent.
2. In view of the order, which is proposed to be passed today, notices need not go to the private respondent nos. 4 and 5.
3. Petitioner is before this Court assailing the order impugned dated 26.9.2023 passed by the third respondent whereby he has stayed the operation of his own order dated 11.9.2023 till further order on the ground that he has no authority to revisit the said order.
4. The said claim has been resisted by learned Standing Counsel on the ground that in response to the order dated 11.9.2023, the respondent no. 4 filed an application before the concerned District Magistrate apprising the correct situation on which the District Magistrate had directed the respondent no. 3 to proceed after hearing both the parties. Accordingly, the order impugned has been passed by the third respondent whereby he has stayed the operation of his own order dated 11.9.2023 till further order, which requires no interference by this Court.
5. Considering the facts and circumstances of the case, we do not find any irregularity or infirmity in the order impugned. Needless to say, the respondent no. 3 must ensure fair enquiry in the matter expeditiously and preferably within six week from the date of production of a certified copy of this order but certainly after affording opportunity to all stakeholders in the matter.
6. With the aforesaid observations and direction, the writ petition stands disposed of.

Order Date :- 14.12.2023

A.K.Srivastava