Court No. - 47

Case :- WRIT - C No. - 41174 of 2023
Petitioner :- Furkan And 2 Others
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Krishna Kumar Singh
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 the impugned order dated 05.08.2023 passed by the Tehsildar (Judicial) Moradabad, District Moradabad in Case No.2291 of 2023 (Mohd. Zaid Tahir Vs. Dulhe Jaan) under Section 34 of U.P. Revenue Code - 2003 (Annexure No.7).

ii) issue a writ, order or direction in the nature of mandamus directing the Tehsildar (Judicial) Moradabad, District Moradabad/respondent no.2 to decide the recall application, bearing Case No.15430 of 2023 (Furkan and others Vs. Mohd. Zaid Tahir) within stipulated time which this Hon'ble Court may deem fit and proper and till disposal of recall application not to interfere in the peaceful possession of petitioners over the Gata No.484 situated in Village Samthal, Tehsil and District Moradabad."

3. Contention of learned counsel for the petitioners is that against the ex-parte order of mutation, a recall application has been filed bearing Recall Application no.15431 of 2023 which is pending and the next date fixed is 4.12.2023. It is further contended by learned counsel for the petitioners that petitioners have also moved an application for interim relief.

4. 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 to consider and decide the stay application filed by the petitioners along with restoration application within a period of three weeks from the date of production of a certified copy of this order and shall make an endeavour to decide the restoration

application within a period of six weeks thereafter, in accordance with law, after providing opportunity of hearing to all the concerned parties provided there is no other legal impediment.

Order Date :- 30.11.2023
Rishabh

[Manish Kumar Nigam, J.]

Digitally signed by :-
RISHABH KUMAR
High Court of Judicature at Allahabad