

Court No. - 51

Case :- WRIT - C No. - 41615 of 2023

Petitioner :- Ram Singh And 4 Others

Respondent :- State Of U.P. And 12 Others

Counsel for Petitioner :- Ray Sahab Yadav

Counsel for Respondent :- C.S.C,Deepak Gaur

Hon'ble Chandra Kumar Rai,J.

1. Heard Sri Ray Sahab Yadav, learned counsel for the petitioners, Sri Deepak Gaur, learned counsel for respondent no.3/gram panchayat and Sri Govind Saxena, learned Addl. C.S.C. for the state-respondents.

2. The instant writ petition has been filed, seeking a writ of mandamus, commanding respondent no.2/Sub Divisional Officer (Judicial), Sadar, District Lalitpur to decide Restoration Case No.RST/6133 of 2023 (Computerized Case No.T202306450106), within the stipulated time.

3. Counsel for the petitioners states that a suit under Section 229-B of the U.P. Z.A. & L.R. Act filed by the petitioners, was dismissed for non-prosecution and the restoration proceeding has also been dismissed for non-prosecution during Covid 19 pandemic. He also submitted that further restoration application dated 26.4.2023 filed by the petitioner in pursuance of the appellate order dated 1.12.2022 is still pending. It is further submitted that copy of the order sheet of the restoration proceeding has been annexed as Annexure No.5 to the writ petition, in order to demonstrate that the matter is not proceeding expeditiously.

4. In view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.2 to decide the aforesaid proceedings to its logical conclusion, as expeditiously as possible, preferably within a period of 2 months, from the date of production of a certified copy of this order before the authority concerned, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

Order Date :- 11.12.2023

C.Prakash