

Court No. - 51

Case :- WRIT - C No. - 41977 of 2023

Petitioner :- Jawahir

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

Counsel for Petitioner :- Udai Shankar Chauhan

Counsel for Respondent :- C.S.C.,Bhupendra Kumar Tripathi

Hon'ble Chandra Kumar Rai,J.

1. Heard learned counsel for the petitioner, Abhinav Ojha, learned Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the respondent- Gaon Sabha.

2. The instant petition has been filed for mandamus directing the respondent no.3 i.e. Sub-Divisional Magistrate / Collector, Ghazipur to decide the restoration application dated 12.5.2023 in Case No.1611 of 2023, Computerized Case No.T202314291101611 (Behfi Devi vs. Gaon Sabha), under Section 38 (1) of U.P. Revenue Code, 2006 within stipulated period.

3. Learned counsel for the petitioner submitted that the order dated 12.5.2023 has been passed in the proceedings under Section 38 (1) of U.P. Revenue Code, 2006. He further submitted that the petitioner has applied for restoration on 15.6.2023 against the order dated 12.5.2023, which is pending before Sub-Divisional Officer, respondent no.3. He further placed the order dated 12.5.2023, restoration application dated 15.6.2023 as well as other documents in support of his argument.

4. Without expressing any opinion on merits of the case and keeping in view of the facts and circumstances, respondent no.3 is directed to decide the aforementioned restoration application dated 15.6.2023 in accordance with law expeditiously preferably within a period of three months from the date of production of certified copy of this order before him.

5. Accordingly, the writ petition is finally ***disposed of.***

6. It is made clear that this Court has not expressed any opinion on the merit of the restoration application dated 15.6.2023.

Order Date :- 6.12.2023
Rameez