

Court No. - 47

Case :- WRIT - C No. - 42119 of 2023

Petitioner :- Virendra Kumar

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Dr. Om Prakash Yadav

Counsel for Respondent :- C.S.C,Rameshwar Prasad Shukla

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and perused the record.

2. The instant writ petition has been filed for following relief:

"(i) To issue ad-interim mandamus directing the respondent no. 3 Up-Ziladhikari, Tehsil Sagari, District Azamgarh to decide the Restoration application filed on 04.03.2023 in Case No. 00886/2021, Computer No. T202115060700886, Haribansh and others Vs. Gram Panchayat Mahrupur and others, U/s 24 U.P. Revenue Code-2006 expeditiously within short stipulated period in accordance with law pending since 4.3.2023.

(ii) issue an appropriate order or direction restraining the respondent no. 6 Gram Sabha from construction the alleged Chakroad encroaching the alleged land of petitioner, during pendency of Case No. 00886/2021, Computer No. 202115060700886, Haribansh and others Vs. Gram Panchayat Mahrupur and others, U/s 24 U.P. Revenue Code-2006."

3. Contention of the learned counsel for the petitioner is that an application under Section 24 of U.P. Revenue Code, 2006 filed by the petitioner was dismissed by order dated 07.02.2023 in absence of the petitioner. A restoration application has been filed on 04.03.2023 and the same is pending.

4. No useful purpose would be served in keeping this petition pending.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present petition stands disposed of finally with a direction to respondent No. 3 /Up-Ziladhikari, Tehsil Sagari, District Azamgarh to consider and decide the aforementioned restoration application, in accordance with law, expeditiously, preferably within a period of **six weeks** from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

Order Date :- 6.12.2023/Ved Prakash