

Court No. - 47

Case :- WRIT - C No. - 42508 of 2023

Petitioner :- Jagdish And 16 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Shailesh Kumar Mishra

Counsel for Respondent :- C.S.C.,Pradeep Singh

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) Issue a writ in the nature of mandamus commanding and order or directing the court below/ Sub -District Magistrate, Tahsil Lalganj, District Mirzapur to conclude and Decide the Restoration application for proceeding of Suit No. 05/38 year-2023 in "Jagdish and others Versus Rajendra Pratap Singh and others" under Section 33/39 of Land Revenue Act with stipulated fixed period, or day by day hearing, pending before Sub- District Magistrate, Tahsil Lalganj, District Mirzapur."

3. Contention of the learned counsel for the petitioner is that restoration application has been file by the petitioner in proceedings under Section 34 of U.P. Zamindari Abolition and Land Reforms Act which were dismissed in default. The aforesaid restoration application is pending since before respondent No. 2 for adjudication. He prayed that the same may be decided, expeditiously.

4. From perusal of the order sheet, annexed as Annexure No. 5 to the writ petition, it appears that several dates have been fixed by the Court concerned, however, till date, the aforesaid case has not been decided.

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

6. 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. 2/Sub -District Magistrate, Tahsil Lalganj, District Mirzapur to consider and decide the aforementioned restoration application, in accordance with law, expeditiously, preferably within a period of **three months** 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 :- 8.12.2023
Ved Prakash

(Manish Kumar Nigam, J.)