

Court No. - 21

Case :- MATTERS UNDER ARTICLE 227 No. - 3212 of 2023

Petitioner :- Santosh Kumar Tripathi

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Revenue
U.P. Lucknow And 15 Others

Counsel for Petitioner :- Niyaj Ahmad

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

Hon'ble Dinesh Pathak,J.

Heard learned counsel for the petitioner, learned standing counsel representing respondents No. 1 and 2, learned counsel for the Gaon Sabha and perused the record.

Instant writ petition has been filed, *inter alia*, for the following relief:

"(i) Issue a direction to the opposite party No. 2 i.e. Sub Divisional Officer, Tanda, Ambedkar Nagar to decide the recall/restoration application dated 9.2.2021 filed by the petitioner in pending case No. T201604040303980 under section 41 of U.P. L.R. Act 1901 "Ram Surat Tiwari Versus Lalsa & others" in respect of Gata No. 488/0.250 hectare situated at Village- Jamaupur, Pargana. Bidahar, Tehsil- Tanda, District- Ambedkar Nagar, pending before him since 9.2.2021 expeditiously within stipulated period as early as possible.

(ii) such other order or direction which this Hon'ble court may deem fit and proper under the circumstances of the case.

(iii) award the cost of the petition in favour of the petitioner."

It is submitted that the restoration application is pending since 09.02.2021 filed on behalf of the petitioner against the order of the same date i.e. 09.02.2021. It is further submitted that both the parties are already appeared and case is ready for final adjudication.

Learned Standing Counsel as well as learned counsel for Gaon Sabha have no objection, in case, a direction is issued for early disposal of the case.

In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, this Court deems it appropriate to finally dispose of the present writ petition, without making any observation on the merits of the case as

mentioned in the present writ petition, with a direction to Sub Divisional Officer, Tanda, Ambedkar Nagar (respondent No. 2), before whom the aforementioned matter is pending disposal, to decide the same expeditiously, preferably, within a period of three months from the date of receipt of a certified copy of this order.

It is expected that it should be decided by a reasoned and speaking order, in accordance with law, after affording opportunity of hearing to the parties concerned without granting unnecessary adjournments to either of the parties.

With the aforesaid direction, present writ petition is disposed of.

Order Date :- 31.5.2023

Saurabh Yadav/-