

**Court No. - 3**

**Case :-** WRIT - C No. - 1708 of 2009

**Petitioner :-** Dharma Gramodaya Shikshan Sansthan Ambedkar Nagar  
And Anr.

**Respondent :-** State Of U.P. Thru Prin. Secy. Revenue And Others

**Counsel for Petitioner :-** O.P. Srivastava, Amrit Kumar Tiwari

**Counsel for Respondent :-** C.S.C., Pramod Kumar Pandey

**Hon'ble Vivek Chaudhary, J.**

**Hon'ble Manish Kumar, J.**

**Order on recall application I.A. No.4 of 2023)**

This is an application for recall of order dated 21.11.2023 as well as for restoration of the petition supported with an affidavit.

The ground taken in the affidavit is sufficient.

Accordingly, application is **allowed**. Order dated 21.11.2023 is recalled.

The petition is restored to its original number.

**Order on petition:-**

Heard learned counsel for parties.

Petitioner has approached this Court challenging the impugned order dated 28.12.2008 passed by respondent no.3.

Admittedly, petitioner has filed a Regular Suit No.177 of 2008 against the Gaon Sabha and the State Government. The said suit was dismissed for want of notice under Section 80(2) of C.P.C. on 29.02.2008. The said order appears to have been challenged before this Court where notice was dispensed with. Thereafter

the suit was revived, however, application of petitioner for want of temporary injunction was rejected by order dated 16.07.2008. There is nothing on record to show that petitioner has challenged the said order rejecting the temporary injunction application of petitioner. Since, proceedings were not being taken by the State authorities and only report was submitted by concerned revenue authority, the same are now challenged before this Court on the basis of only one line written in the said report that action for removing possession of petitioner is being taken. There is nothing on record to show that any action thereafter was taken for removal of petitioner.

It goes without saying that respondent authorities shall take action for removal of petitioner only in accordance with law.

No further case for interference is made out as the writ petition against a report submitted by the revenue authority which are not yet decided finally is not maintainable.

Accordingly, the writ petition is **dismissed.**

**Order Date :- 11.12.2023**

Arti/-

**[Manish Kumar,J.] [Vivek Chaudhary,J.]**