

**Court No. - 6**

**Case :-** WRIT - C No. - 8405 of 2023

**Petitioner :-** Shahabuddin

**Respondent :-** State Of U.P. Thru. Prin. Secy., Deptt. Of Revenue, Lucknow And 3 Others

**Counsel for Petitioner :-** Anand Mani Tripathi

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

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

1. Heard Sri A.M.Tripathi, learned counsel for the petitioner, learned Standing Counsel and Sri Mohan Singh, learned counsel for the respondent no.3.

2. This petition has been filed challenging the order dated 06.09.2023 passed in RST/04301 of 2017 with a prayer for direction to decide the issue of locus standi of the respondent no.4 in filing the application for recall.

3. The petitioner had earlier approached this Court by means of Writ C No. 1590 of 2023(Sahabuddin versus Sub Divisional Magistrate Lambhua District Sultanpur and others) for quashing the recall application. However, after arguing the matter at some length, learned counsel for the petitioner restricted his prayer for a direction to the respondent no.1/Sub Divisional Magistrate, Lambhua, District Sultanpur to decide the case No.04301/2017 expeditiously. Considering the request of the petitioner's counsel, this Court had directed to decide application in a time bound manner without granting unnecessary adjournments, therefore this second petition for direction for disposal of the recall application in a particular manner, which prayer could have been made in the earlier petition, but not made is not maintainable.

4. Even otherwise, on the request of learned counsel for the applicant in the case, the Sub Divisional Magistrate, Lambhua, Sultanpur has fixed the case for arguments on locus standi/ recall application considering the request of the petitioner on the ground that since objection has

already been filed on the recall application therefore he would decide both.

5. At this stage, learned counsel for the petitioner submits that the petition may be dismissed as not pressed with liberty to pursue the recall application and his objection. To which there is no objection by the other side.

6. In view of above, the petition is **dismissed** as not pressed with liberty as aforesaid.

**Order Date :-** 12.10.2023

Akanksha