

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5228 of 2023

Petitioner :- Surinder Pratap @ Surendra

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

Counsel for Petitioner :- Kamlesh Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard Ms. Rifat Afrin learned Advocate holding brief of Sri Kamlesh Kumar, learned Counsel for the petitioner and Sri Ambuj Kumar Singh, learned State Counsel.

In view of the order proposed to be passed by this Court, notice to the private-respondents is dispensed with.

By means of the instant petition, the petitioner seeks expeditious disposal of restoration application in Case No. 4092/2022, Computerized Case No. T202204040404092 (Surendra Pratap Versus Ram Ji) under Section 34 of U.P. Revenue Code, 2006 (in short 'Code of 2006') pending before the respondent No.2/ Tehsildar, Tehsil Aalapur, District Ambedkar Nagar, pending since 2022.

Learned Counsel for the petitioner submitted that Mutation Case No. 4092/2022, Computerized Case No. T202204040404092 (Surendra Pratap Versus Ram Ji) was dismissed for want of prosecution on 14.06.2023 and thereafter an application dated 17.06.2023 was preferred for recall of order dated 14.06.2023 and the same is pending disposal till date and on account of pendency of the application in issue, the petitioner is suffering great hardship and mental agony. In these circumstances, the indulgence of this Court is required. The prayer is to expedite the said pending proceedings.

It is further submitted that though a large number of dates have been fixed, however, for the reasons beyond control, the matter has not yet been decided.

Learned standing counsel submits that he has no objection in case an expedite order is passed.

Considering the facts and circumstances, this Court is of the opinion that no gainful purpose will be served in keeping the aforesaid petition pending. Accordingly, in the ends of justice the respondent No.-2 is directed to consider and decide the pending recall application in the of Case No. 4092/2022, Computerized Case No. T202204040404092 (Surendra Pratap Versus Ram Ji) most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment, preferably within three months from the next date fixed before it, if there is no other legal impediment in this regard.

It is made clear that the Court has not examined the case of either of the parties on merits and the authority concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid, the petition is **disposed of**.

Order Date :- 13.10.2023

Jyoti/-