

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5272 of 2023

Petitioner :- Shyam Kumari And Another

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

Counsel for Petitioner :- Dinesh Kumar Singh, Anil Kumar

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Saurabh Lavania, J.

Heard.

At the very outset, learned Counsel for the petitioners stated that a typographical error with regard to date of pendency of application could not be corrected inadvertently and he may be permitted to correct the said mistake.

To the aforesaid, learned Standing Counsel has no objection.

Accordingly, learned Counsel for the petitioner is permitted to carry out necessary correction in the memo of petition during the course of the day.

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

The present petition has been filed for the following main relief:-

"i) issue a direction to the opposite party No. 2 i.e. Sub Divisional Officer (Judicial), Colonelganj, Gonda to decide Restoration application dated filed by opposite party No. 4 bearing Case No. RST No. 08460/2019 (Computerized No. T201908300508460) under section 24 of the U.P. Revenue Code 2006 "Shyam Kumar Versus Ram Bharat" in respect of Gata No. 5Sa/0.061 hectare, situated at Akhtiyarpur, Pargana-Gwarich, Tehsil- Colonelganj, District- Gonda, pending before him since 09.12.2020 expeditiously within stipulated period as early as possible."

Submission of learned Counsel for the petitioner is to the effect that application for restoration in issue, is pending since 09.12.2020 and on account of pendency of the application in issue, the petitioners are not getting the fruits of final order dated 24.11.2020, which relates to demarcation of land in dispute and on account of pendency of the application in issue, the petitioners are suffering great hardship and mental agony. In these circumstances, the indulgence of this Court is required. The prayer is to expedite the said pending application.

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/ Sub Divisional Officer (Judicial), Colonelganj, district Gonda, is directed to consider and decide the pending recall application as Case No. RST No. 08460/2019, Computerized No. T201908300508460 (Shyam Kumar Versus Ram Bharat) 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 :- 16.10.2023

Jyoti/-