

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5317 of 2023

Petitioner :- Santosh Kumar

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Dept.,
Lucknow And 2 Others

Counsel for Petitioner :- Nagendra Bahadur Singh

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the parties.

In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.

By means of this petition, the petitioner has sought the following main relief:-

"(i) issue a direction to the opposite party no. 2 to decide the recall application of the petitioner dated 29.5.2023 filed in the mutation case of the opposite party no.3 bearing No. T 202304680301261 under Section 33 (1) of U.P. Revenue Code, 2006, at the earliest."

It has been stated by the petitioner's counsel that on coming to know about the final order dated 29.03.2023 passed in mutation case No. T202304680301261, the petitioner preferred an application dated 29.05.2023 before the Authority concerned on 31.05.2023 for recall of the final order dated 29.03.2023 and to restore the case to its original number. He says that the said application has not been disposed of till date, though, almost four months have elapsed and on account of pendency of the same, the petitioner is suffering great hardship and mental agony. In these circumstances, indulgence of this Court is required in the matter. The prayer is to expedite the proceedings of pending application.

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

Considering the facts and circumstances of the case, this Court is of the view that no fruitful purpose will be served in keeping this petition pending. Accordingly, this petition is disposed of with a direction to the respondent No. 2 to consider and decide the application, in issue, most expeditiously after affording full

opportunity of hearing to the parties to the litigation and without granting any adjournment to either party preferably within a period of three months from the next date fixed in the case, if there is no other legal impediment in this regard.

It is made clear that the Court has not examined the case of either party 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 :- 17.10.2023

Arun/-