

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5457 of 2023

Petitioner :- Moin Khan

Respondent :- Sub Divisional Officer, Tehsil Patti, Pratapgarh And Others

Counsel for Petitioner :- Govind Kumar Chourasia

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

Hon'ble Saurabh Lavania, J.

1. In compliance of earlier order of this Court, Officer concerned is present before this Court.
2. Affidavit filed by learned Standing Counsel in Court today is taken on record.
3. Learned counsel for the petitioner states that the matter is pending before opposite party no. 1 - Sub Divisional Officer, Tehsil - Patti, District - Pratapgarh and due to some typographical error in the prayer clause, this fact could not been incorporated at the time of filing of present petition and the same may be permitted to be incorporated.
3. The prayer sought has not been opposed by learned counsel for the side-opposite
4. Considering the aforesaid, learned counsel for the petitioner is permitted to make necessary correction in the memo of the petition during course of the day.
5. Present petition under Article 227 of the Constitution of India has been filed for the main relief which is to the effect that the Sub Divisional Officer, Tehsil - Patti, District - Pratapgarh be directed to decide the restoration application filed in case no. 7766/2022 (Computerized Case No.T202202570407766, Moin Khan versus Gaon Sabha & others) filed under section 24, U.P. Revenue Code 2006, expeditiously.

6. Taking note of the averments made in the affidavit filed by learned counsel for State as also the fact that the application for recall, in issue, is pending since December, 2022, the present petition is disposed of with the direction to opposite party no. 1 - Sub Divisional Officer, Tehsil - Patti, District - Pratapgarh to consider and decide the application, in issue, expeditiously, after affording full opportunity of hearing to the parties, preferably within a period of three months, if possible and if there is no other legal impediment.

7. To conclude the proceedings, the opposite party no. 1 shall avoid unnecessary adjournments.

8. 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.

9. Appearance of the Officer concerned is dispensed with.

Order Date :- 31.10.2023

Mohit Singh/-

(Saurabh Lavania,J.)