

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5514 of 2023

Petitioner :- Kanchan Singh

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

Counsel for Petitioner :- Vivek Kumar Verma, Arun Prakash
Verma

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

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

Present petition has been filed for the following main relief:-

"Issue an order or direction to the opposite party no.2 i.e. Tehsildar, Sawayajpur, Hardoi to consider and decide the objection dated 11.05.2022, filed by the petitioner against the restoration application of the opposite party no.3 in case no. 805/2017, computerized case no.T201710334305805, under section-35 of the Uttar Pradesh Revenue Code 2006, Mohan Singh & others Versus Ram Babu Singh & others, which is pending before him, within the period stipulated by this Hon'ble Court."

With regard to the main prayer sought, contention of the learned counsel for the petitioner is to the effect that in a mutation case final order was passed on 12.06.2017 and thereafter, an application for restoration of the case was moved by the opposite party No.3 on 04.12.2019 and to the same, the petitioner has preferred the objection dated 11.05.2022, however, till date the restoration application as also the objection has not been disposed of and on account of pendency of the same, petitioner is unable to reap the fruits of final order passed in mutation case. Prayer is to decide the same, within time stipulated.

To the aforesaid prayer, no objection has been raised by the learned counsel for the side opposite.

Considering the aforesaid, this Court is of the opinion that no gainful purpose will be served in keeping the present petition pending. Accordingly, present petition is disposed of with direction to the respondent No.2-Tehsildar, Sawayajpur, Hardoi to consider and decide the Restoration Application as also the

Objection Dated 11.05.2022, most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment to either of the parties preferably within a maximum period of three months from the next date fixed in the case, if there is no other legal impediment.

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 :- 19.10.2023

Vinay/-