

**Court No. - 18**

**Case :-** WRIT - C No. - 9453 of 2023

**Petitioner :-** Molahe Ram

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

**Counsel for Petitioner :-** Surya Mani Singh

**Counsel for Respondent :-** C.S.C., Dilip Kumar Pandey

**Hon'ble Saurabh Lavania, J.**

Heard learned counsel for the petitioner, learned counsel for the State-Sri Hemant Pandey and Sri Dilip Kumar Pandey, learned counsel for the Gaon Sabha.

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

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

*"(i) Issue a writ, order or direction in the nature of Mandamus, commanding the Revenue Authorities / Opposite Parties to vacate the illegal encroachment/illegal possession done by the O.P. No. 7 & 8, upon public passage /Gata No. 178 situated at Gram Sabha-Shamshapur, Pargana-Aurangabad, Police Station Sandana, Tahsil-Mishrikh, District - Sitapur, in the execution of the orders vide dated 31-08-2020 and 26-05-2022 passed by the Tahsildar Mishrikh, District Sitapur as Contained in the Annexure No. 1 & 2 to the writ petition, within the timeframe, which may be fixed by this Hon'ble Court."*

Considering the facts as indicated in the present petition including Para 8 as also the instructions dated 27.10.2023, a copy of the same is taken on record, this Court finds that the application(s) for recall of order dated 31.08.2020 and 26.05.2022 are pending consideration before respondent No.4-Tehsildar, Tehsil-Mishrikh, District-Sitapur and on being confronted taking note of this aspect of the case, learned counsel for the petitioner says the justice would suffice if a direction is issued to respondent No.4 to dispose of the application(s) within time stipulated and thereafter, proceed in accordance with law.

As per instructions dated 27.10.2023, the application(s) are fixed for 09.11.2023.

Accordingly, this petition is disposed of with a direction to the respondent No.4-Tehsildar, Tehsil-Mishrikh, District-Sitapur to consider and decide the application(s), 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 possible and if there is no other legal impediment in this regard and thereafter proceed strictly in accordance with law.

It is made clear that this 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 :- 30.10.2023**

Vinay/-