

Court No. - 6

Case :- WRIT - B No. - 975 of 2023

Petitioner :- Atiullah

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

Counsel for Petitioner :- Alka Verma, Tanay Hazari

Counsel for Respondent :- C.S.C.

Hon'ble Rajnish Kumar, J.

Heard Sri Tanay Hazari, learned counsel for the petitioner and learned Standing Counsel.

Submission of learned counsel for the petitioner is that the petitioner had purchased a part of Gata No.286 situated at Village Diwali, Pargana Rudauli, Tehsil Rudauli, District Ayodhya from one Rajpata. He had moved application for mutation which was allowed by means of the order dated 20.12.2021 but Gata No.288 was mentioned in the order therefore the petitioner had moved an application for correction which was allowed by means of the order dated 28.12.2021 and the correction was made. However, on the very same date, opposite party nos. 4 and 5 moved an application for recall of the order dated 20.12.2021 and 28.12.2021, on which the impugned order dated 28.12.2021 was passed staying the previous orders mentioning in the caption "Stay of sale and purchase". He submits that the petitioner had purchased part of Gata No.286 whereas the application for recall has been filed in regard to Gata No.288. The petitioner had approached the Board of Revenue by means of revision under Section 210 of the U.P. Revenue Code 2006 which has been dismissed being time barred as well as against the interlocutory order by means of the order dated 09.01.2023. Therefore the petitioner is constrained to approach this Court.

Perusal of the khatuani filed by the petitioner indicates that Rajpata is the co- owner of both Gata No.286 as well as Gata No.288 and plea has been taken that no notice was issued prior to passing of the order on mutation application filed by the co-owner and since the application for recall is pending for the last two years and as per the order sheet it could not be disposed of

mainly on the ground of strike of lawyers, this Court is not inclined to entertain the petition at this stage.

At this stage, learned counsel for the petitioner submits that direction may be issued for disposal of the recall application expeditiously and submits that inadvertently he has made a prayer in this petition for expediting the proceedings under Section 34 pending before the Naib Tehsildar. To which there is no objection by learned Standing Counsel.

Considering the nature of order proposed to be passed, this Court does not deem it necessary to issue notice to the respondent nos.4 and 5 as their interest would be well protected by the order passed by this Court.

With the aforesaid, the petition is **disposed of** with direction to the opposite party no.2/Naib Tehsildar, Rudauli, District Ayodhya to consider and dispose of the application for recall moved by the opposite party nos.4 and 5, in accordance with law after affording opportunity to the parties expeditiously say within a period of two months from the date of production of a certified copy of this order.

Order Date :- 30.10.2023

Akanksha