

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5617 of 2023

Petitioner :- Abdul Hamid Khan

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

Counsel for Petitioner :- Anand Kumar Srivastava, Shatrughan Sah, Vineet Jaiswal

Counsel for Respondent :- C.S.C., Mohan Singh

Hon'ble Saurabh Lavania, J.

Heard.

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

The present petition has been filed for the following main reliefs:-

"1. Issue a direction thereby directing the opposite party no.05 to decide the Case No. 201/1997 (Computerized Case No. T-202104680305199 "Nawab Khan Vs Gram Panchayat" filed under section 33/39 of Land Revenue Act 1901 pending before the court of Sub-Divisional Magistrate Tehsil- Lambhua District- Sultanpur since 08.11.2017 expeditiously within stipulated period as early as possible.

2. To issue a direct to opposite party no. 03 to send back the lower court record to the opposite party no. 05 to decide the case no. 201/1997."

Considered the facts, as indicated, that on an application dated 13.11.2017 preferred by Wajid Ali Khan and others praying therein to recall the order dated 30.09.1997 passed in Case No. 201/1997, Computerized Case No. T-202104680305199 (Nawab Khan Vs Gram Panchayat) instituted under Section 33/39 of U.P. Land Revenue Act, 1901 (in short 'Act of 1901'), a case was registered as Case No. RST 5689/2016 and thereafter the said case was finally allowed vide order dated 30.08.2022, by the respondent no.5/Sub District Magistrate, Lambhua, District Sultanpur, recalled whereby the final order dated 30.09.1997 was recalled and the case was restored to its original number and thereafter, in relation to order dated 30.08.2022, an application for recall of order dated 30.08.2022 was preferred by one Maksood Khan son of Late Nawab Khan, which was rejected/dismissed vide order dated 02.01.2023 and further that now the matter is pending before revisional authority namely respondent no.3/Additional Commissioner Division, Ayodhya, in Revision No. 159 of 2023, Computerized Case No. C202304000000159 (Maksood Khan and others Versus Mobin Khan and Others) as also the fact that there is already a direction of this Court for expeditious disposal of revision no. 159 of 2023 passed in Matter under Article 227 No. 1364 of 2023 (Maksood Khan Versus The Additional Commissioner (Judicial), Ayodhya Mandal, Ayodhya) was passed on 22.03.2023.

Upon due consideration of aforesaid, this Court is not inclined to entertain the present petition for the main reliefs sought, at this stage and it is accordingly **dismissed** with liberty to the petitioner to approach this Court at appropriate stage.

Order Date :- 2.11.2023/Jyoti/-