

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5598 of 2023

Petitioner :- Muhibban

Respondent :- Naib Tahsildar, Pergana Manikpur, Tahsil Kunda, Pratapgarh And Others

Counsel for Petitioner :- Dileep Singh

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania,J.

At the very outset, learned counsel appearing for the petitioner says that in fact the applications for recall are pending and inadvertently in para 1 of the petition as also in prayer clause, the said fact could not be indicated, as such, necessary amendment is required to made during the course of the day.

The prayer of petitioner's counsel is acceded as the same has not been opposed. He is permitted to make requisite amendment in the memo of petition as also in prayer clause during the course of the day.

Heard learned counsel for the parties.

In view of order proposed to be passed, issuance of notice to the private-respondents is hereby dispensed with.

By means of this petition, the petitioner has sought the following main relief:-

"(a). Issue an order or direction to the Opposite Party No.1 i.e. Naib Tahsildar. Pergana- Manikpur, Tahsil- Kunda, District-Pratapgarh, to decide expeditiously in time bound manner Recall application filed by the opposite party No. 2 and 3 dated 16.02.2023 and 14.03.2023 respectively filed in mutation application dated 13.01.2022, bearing Case No. 1055/2022 (Computerized Case No. T202202570101055), Muhibban versus Nurul Hasan & Others, Under Section 34 of UP. Revenue Code- 2006 instituted by the petitioner, before the Naib-Tahsildar, Pergana- Manikpur, Tahsil- Kunda, District-Pratapgarh, for adjudication, as early as possible, in the interest of justice on the basis of day to day hearing."

Considering the facts as stated by the petitioner's counsel particularly that application(s) in issue preferred in mutation case are pending since February and March, 2023 as also that

on account of pendency of the said applications, the petitioner, who is aged about 68 years, is suffering great hardship and mental agony, the present petition is disposed of with a direction to the respondent No.1 to consider and decide the applications, 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 there is no other legal impediment in this regard.

It is made clear that the 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 :- 1.11.2023

Arun/-