

Court No. - 18

Case :- CIVIL MISC REVIEW APPLICATION No. - 127 of 2023

Applicant :- Ram Murat Das

Opposite Party :- State Of U.P. Thru Addl.Cheif Secy. Revenue Lko And Ors.

Counsel for Applicant :- Rama Niwas Pathak

Counsel for Opposite Party :- C.S.C.,Mohan Singh

Hon'ble Saurabh Lavania,J.

1. Heard Shri Rama Niwas Pathak, learned counsel for the applicant, learned Standing Counsel for State-opposite party and Shri Mohan Singh, learned counsel for Gram Panchayat.

2. The present review application has been filed under Chapter V Rule XII of the Allahabad High Court Rules, 1982 in relation to final order dated **04.10.2023** passed in **Writ-C No. 8445 of 2023 (Ram Murat Das Vs. State Of U.P. Thru Addl.Cheif Secy. Revenue Lucknow And Others)**. The order under review, being relevant, on reproduction, reads as under:

"Heard.

By means of the present petition, the order dated 24.08.2023 has been challenged which was passed in the suit instituted under Section 144 of U.P. Revenue Code of 2006 (in short "Code of 2006") pertaining to gata No.100 area 2.404 hectare, 1139 area 0.063 hectare and gata No.1402 area 0.328 hectare situated at Village-Raujagaon, Pargana and Tehsil-Rudauli, District-Ayodhya whereby the opposite party No.2-Sub-Divisional Officer, Rudauli, District-Ayodhya.

At the very outset, learned counsel for the State and Shri Tiwari, who has put in appearance on behalf of the opposite party No.3 and 4 as also the Shri Mohan Singh, learned counsel appearing on behalf of the opposite party No.5-Gram Panchayat Raujagaon, Pargana and Tehsil-Rudauli, District-Ayodhya stated that the petitioner is having remedy by way of moving an application for recall of order, as such, the present petition is not liable to be entertained at this stage.

A reference has been made to para 492 and para 489 of the U.P. Revenue Court Manual. The remedy available under the U.P. Revenue Court Manual has not been disputed.

However, the learned counsel for the petitioner says that justice would suffice, if a direction is issued to decide the application for interim application within time specified.

This prayer has not been opposed.

In view of the above remedy, this Court is not inclined to entertain the present petition.

Considering the facts and circumstances of the case, this petition is disposed of with liberty to the petitioner to prefer an application for stay vacation before the respondent No.2-Sub-Divisional Officer, Rudauli, District-Ayodhya alongwith certified copy of this order.

In case, such an application is preferred within two weeks from today, the respondent No.2 shall decide the same within a maximum period of two months.

To dispose of the application, the opposite party No.2 is expected to proceed in the matter on day to day basis.

The opposite party No.3 and 4, who are plaintiff in the suit, shall not take any adjournment in the matter before the opposite party No.2."

3. From perusal of the order under review it is apparent that the same is a consent order and on being confronted on this aspect of the case, after arguing the matter at some length, learned counsel for the applicant prays that he does not want to press the instant application and the same be rejected as withdrawn.

4. Learned counsels for respondents have no objection to the prayer made by learned counsel for the applicant.

5. Accordingly, the present application is **rejected** as withdrawn.

Order Date :- 1.11.2023

Mohit Singh/-