

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5623 of 2023

Petitioner :- Nand Ram Vishvkarma @ Nand Ram

Respondent :- Sub Divisional Officer (Judicial), Mankapur, Gonda And Others

Counsel for Petitioner :- Govind Kumar Chourasia

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the parties.

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

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

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the instant petition U/A 227 of the Constitution of India by directing the Sub Divisional officer (Judicial), Mankapur, District Gonda (opp. party no.1) to decide the restoration application filed in Case No. 05865/2019 (Computerized Case No. T201908300705865), Ram Saran Vs Gaon sabha & others, filed U/s-24 of the UP. Revenue Code, 2006, expeditiously, as early as possible, in the interest of justice."

Considering the fact that on account of pendency of the application dated 03.06.2023 for recalling the order dated 09.05.2023 passed in Case No. 05865/2019, Computerized Case No. T201908300705865 (Ram Saran Vs Gaon sabha & others) instituted under Section 24 of U.P. Revenue Code, 2006 (in short "Code of 2006"), the petitioner is unable to reap the fruits the order dated 09.05.2023 as also that as per Section 24(3) of the U.P. Revenue Code, 2006 read with U.P. Revenue Code Rules, 2016, the demarcation proceedings, being summary in nature, should preferably be decided expeditiously, the present petition is disposed of with a direction to the respondent No.1 to consider and decide the restoration application, in issue, most expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting any unnecessary 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.

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 :- 2.11.2023

Arun/-