

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5629 of 2023

Petitioner :- Smt. Geeta Singh

Respondent :- Addl.Commissioner (Judicial), Ayodhya Division, Ayodhya And Another

Counsel for Petitioner :- Akhilesh Kumar Kalra,Pooja Singh,Shyam Mohan Pradhan

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania,J.

Heard Sri Akhilesh Kumar Kalra, Advocate assisted by Sri Shyam Mohan Pradhan, learned counsel appearing for the petitioner and Sri Hemant Kumar Pandey, learned State counsel.

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 reliefs:-

"(i) issue a writ, order or direction or writ in the nature of certiorari to set aside the order dated 27.04.2023 and 10.10.2023, passed by the Additional Commissioner, Ayodhya Division, Ayodhya on the Application for recall / Review dated 03.01.2023, filed by Navneet Kumar in Case No.RST/01745/2017 Geeta Singh Vs Navneet Kumar, contained in Annexure No. 1, to the Writ Petition;

(ii) issue a writ, order or direction or writ in the nature of prohibition restraining the Additional Commissioner to proceed further on the application for review / recall, filed by Navneet Kumar dated 03.01.2023 before Additional Commissioner (Judicial) Ayodhya Division, Ayodhya for recall of the judgement dated 23.12.2022."

Upon due consideration of the arguments advanced as also the material available on record particularly the fact that the petitioner has already preferred an objection in relation to the application dated 03.01.2023 preferred by the opposite party No. 2/Navneet Kumar for recalling the final order dated 23.12.2022 and also the law to the effect that the issue of maintainability of the proceedings should be decided at the first instance by the Authority concerned who in this case is opposite party No. 1/Additional Commissioner (Judicial), Ayodhya Division, Ayodhya, this Court is not inclined to entertain this petition for the reliefs sought.

At this stage, Sri Kalra says that some observation may be made regarding disposal of the application as also the objection preferred by the petitioner.

In regard to the aforesaid, it is expected from the opposite party No. 1 that while passing the order on the application preferred by the opposite party No. 2, he would consider the objection preferred by the petitioner and would pass a reasoned and speaking.

With the aforesaid, the petition stands ***disposed of***.

Order Date :- 2.11.2023

Arun/-