

Court No. - 18

Case :- WRIT - C No. - 9681 of 2023

Petitioner :- Durgesh Patel

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

Counsel for Petitioner :- Om Prakash Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania,J.

Heard Sri Om Prakash Yadav, learned counsel appearing for the petitioner and Sri Hemant Kumar Pandey, learned State counsel appearing for the respondent Nos. 1 & 2.

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 reliefs:-

"(i) Issue a writ, order or direction in the nature of Certiorari thereby to quash the impugned order dated 22.09.2023 passed by Sub Divisional Magistrate, Akbarpur, District-Ambekar Nagar in Recall Application No. T202304040105089 U/s 24 U.P. Revenue Code, 2006 (Ravi Shanker & others Vs. Durgesh Patel & others) (contained at Annexure No. 1 to this writ petition).

(ii) Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing to the opposite party no. 2 to not give the effect of order dated 22.09.2023 and direct him to comply with its earlier order dated 15.04.2023 to install the Stone and lodged first information report against the opposite party no. 6 to 8 due to extirpate the stones of demarcation."

Taking note of the facts of the case, a query has been put to learned counsel for the petitioner that as to whether the petitioner has preferred an objection to the application for recall, in issue. In response, he says that the petitioner has preferred an objection to the application for recall.

Taking note of aforesaid, on being confronted, learned counsel for the petitioner, after arguing the matter at some length, says that justice would suffice if this petition is disposed of with a direction to the respondent No. 2/Sub Divisional Magistrate,

Akbarpur, District Ambedkar Nagar to consider and decide the application for recall, in issue, expeditiously after taking note of objection preferred by the petitioner to the same.

To the aforesaid, side opposite has no objection.

Considering the aforesaid, the present petition is disposed of with a direction to the respondent No. 2 to consider and decide the application for recall, 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 :- 6.11.2023

Arun/-