

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5683 of 2023

Petitioner :- Deshraj Tiwari

Respondent :- Nayab Tehsildar, Akbarpur, Tehsil Akbarpur, Ambedkar Nagar And 2 Others

Counsel for Petitioner :- Brijesh Kumar Verma

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania,J.

C.M. Application No.IA/Nil of 2023

Application for amendment filed in the Court today is taken on record.

Heard.

Considering the averments made in the affidavit filed in support of application, under consideration, the application is allowed.

Learned counsel for the petitioner is permitted to carry out necessary amendments, as prayed for, during the course of the day.

Order on petition

The present petition has been filed with the following prayer:-

"1. to, direct the opposite party no.1, to decide the restoration application along with substitution application (annexed as annexure no. 2 &4 to the petition), in the case of (Prabhavati Devi & others vs Shanker Prasad), bearing case no. T 201804040103661, u/s 201, U.P. Land Revenue Act, pending in the court of the Nayab Tehsildar, Tehsil- Akbarpur, District - Ambedkar Nagar, with in stipulated time fixed by this Hon'ble Court, (which is pending since 28.3.2008 & 27.7.2016)."

It is submitted that a large number of dates have been fixed in the case, however, the matter has not yet been decided till date and on account of pendency, petitioner is suffering great hardship and mental agony. Prayer is to direct the respondent No.1 to decide the case, in issue.

Learned standing counsel submits that he has no objection in case an expedite order is passed.

Considering the facts and circumstances, this Court is of the opinion that no gainful purpose will be served in keeping the aforesaid petition pending rather ends of justice can be served by directing the respondent No.1-Nayab Tehsildar, Akbarpur, Tehsil-Akbarpur, District-Ambedkar Nagar to decide the restoration application along with substitution application in issue, most expeditiously, affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment to either of the parties 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 of the parties 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 :- 8.11.2023

Raj