

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5772 of 2023

Petitioner :- Shiv Kumar And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Revenue Lko. And 4 Others

Counsel for Petitioner :- Sanjeev Kumar Dwivedi, Salik Ram Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

In view of the order proposed to be passed by this Court, notice to the private-respondents is dispensed with.

The present petition has been filed for the following main relief:-

"(i) issue a direction to the opposite party No. 2 i.e. Niab Tehsildar Gaura, Tehsil Raniganj, District- Pratapgarh to decide the Restoration application dated 17.5.2022 filed by the petitioners for recall of order dated 17.5.1985 in case No. 643 under section 34 of the U.P. Revenue Code 2006 "Jeet Lal Versus Lalta Prasad", pending since 17.5.2022 expeditiously within stipulated period as early as possible."

For the purposes of seeking main relief, quoted above, learned Counsel for the petitioners submitted that an application dated 17.05.2022 was preferred by the petitioners to recall the order dated 17.05.1985 passed in the mutation case and to restore the case to its original number and as per law settled, the mutation proceedings, being summary in nature should be decided expeditiously, as such indulgence of this Court is required.

Taking note of the aforesaid, the present petition is disposed of with direction to respondent No.-2, to consider and decide the pending proceedings in Case No. 643 (Jeet Lal Versus Lalta Prasad), most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment, preferably within a period of three months from the next date fixed before it in the light of observations made by the Division Bench of this Court in the judgment passed in the case of ***Ram Prakash v. Deputy Director of Consolidation and Others reported in 2022 SCC OnLine All 107.***

It is made clear that the 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

Jyoti/-