Court No. - 17

Case :- MATTERS UNDER ARTICLE 227 No. - 5473 of 2024

Petitioner :- Khalil Alam
Respondent :- Tehsildar, Tehsil Aalapur, Ambedkar Nagar And Others
Counsel for Petitioner :- Mohd. Saud Khan,Umesh Chandra Shukla
Counsel for Respondent :- C.S.C.,Suyash Dwivedi

Hon'ble Manish Kumar,J.

Supplementary affidavit filed by learned counsel for the petitioner is taken on record.

Heard learned counsel for the petitioner, learned Standing Counsel and Shri Suyash Dwivedi, learned counsel for the respondent nos. 8 and 9.

This is the second writ petition preferred by the petitioner for issuing a direction to the respondent no. 1-Tehsildar, Tehsil Aalapur, District Ambedkar Nagar to decide the recall application dated 17.02.2024 filed in case No. RST/01011/2022, Computerized Case No. T202204040401011 titled as (Habeeb Vs. Gaon Sabha), under Section 34 of U.P. Revenue Code, 2006 expeditiously.

On the other hand, learned Standing Counsel has drawn attention of this Court to the order sheet enclosed with the present petition wherein out of 14 dates in 13 dates, the lawyers were abstaining from work.

At this stage, learned counsel for the petitioner has submitted that the petitioner may be permitted to move an application before the Tehsildar that he shall appear in person and a direction may be issued to the Tehsildar to decide the matter expeditiously or within the time provided under the relevant Rules.

After hearing learned counsel for the parties and going through the record of the case, this Court is restrained itself from exercising power conferred under Article 227 of the Constitution of India as out of 14 dates in 13 dates lawyers were abstaining from work.

Under these circumstances, no direction can be issued to the Officer concerned to decide the case expeditiously. In case, the petitioner moves an application to hear him personally before the Tehsildar, the Tehsildar may consider the same and hear the matter after providing opportunity of hearing to all the parties

concerned without granting any unnecessary adjournment to either of the parties.

Writ petition is disposed of.

Order Date :- 21.11.2024
Ashish

Digitally signed by :-
ASHISH MISHRA
High Court of Judicature at Allahabad,
Lucknow Bench