

Pancham And 3 Others vs State Of U.P. And 2 Others on 31 January, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14576

Court No. - 50

Case :- WRIT - C No. - 1779 of 2025

Petitioner :- Pancham And 3 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Hari Shanker, Jay Prakash Gupta

Counsel for Respondent :- C.S.C., Pradeep Singh

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioners, Sri Tarun Gaur, learned standing counsel for the state-respondents and Sri Pradeep Singh, learned counsel for the respondent-gaon sabha.

2. The instant writ petition has been filed, seeking a writ of mandamus, commanding respondent no.2/Tehsildar, Tehsil Gyanpur, District Bhadohi to decide the restoration application filed on 29.10.2024 against the eviction order dated 5.7.2024 passed by the Tehsildar/Assistant Collector, Tehsil Gyanpur, District Bhadohi in Case No.T202316670406266, within the stipulated time.

3. Counsel for the petitioner submitted that the order for ejectment and damages has been passed in ex parte as well as in arbitrary manner against the petitioners on 5.7.2024. He submitted that as soon as petitioners came to know about the order dated 5.7.2024, passed by the Tehsildar, they have applied for restoration along with prayer for condonation of delay which is pending before respondent no.2. He placed the revenue entry of plot no. 22-Sa which is recorded in the name of the petitioners as Class-I/ka category plot. He submitted that appropriate direction be issued for the expeditious disposal of the pending restoration application and till the disposal of the restoration

application, interim protection be granted in favour of the petitioners.

4. Learned standing counsel and the counsel for the respondent-gaon sabha submitted that plot no.22 is a big plot and the order for ejectment and damages has been passed in respect to an area which is recorded as pond, as such, there is no illegality in the order dated 29.10.2024 passed by Tehsildar for ejectment and damages against the petitioners.

5. I have considered the arguments advanced by learned counsel for the parties and perused the records.

6. There is no dispute about the fact that the restoration application dated 29.10.2024 filed by the petitioners along with prayer for condonation of delay against the order dated 5.7.2024 is pending before respondent no.2.

4. Considering the pendency of the restoration application against the order for ejectment and damages, the instant petition is disposed of, with the direction to respondent no.2/Tehsildar, Gyanpur, Bhadohi to decide the pending restoration application dated 29.10.2024, taking a liberal view in delay condonation matter, as expeditiously as possible, preferably within a period of 6 weeks, from the date of production of a certified copy of this order before the authority concerned, after affording proper opportunity of hearing to the parties concerned, in accordance with law.

Order Date :- 31.1.2025 C.Prakash