

**Court No. - 5**

**Case :-** WRIT - A No. - 771 of 2024

**Petitioner :-** Jaiker Pandey And 2 Others

**Respondent :-** Mustaqeem Ahmad And 3 Others

**Counsel for Petitioner :-** Suneel Kumar Khare, M.K. Dixit

**Hon'ble Abdul Moin, J.**

1. Heard.

2. In pursuance to the order of this Court dated 02.02.2024, learned counsel for the petitioner has filed a supplementary affidavit by which he has brought on record an affidavit of undertaking dated 31.05.2023 by which the petitioner, Sri Jaiker Pandey had allegedly indicated in the petition filed Matter Under Article 227 No. 879 of 2023 Inre; Mustaqeem Ahmad Vs Upar Zila Adhikari, Nagar (Purvi), Lucknow that he would be vacating the premises in question on or before 31.07.2023.

3. The instant petition has been filed by contending that at no stretch of time, has the petitioner ever given the said undertaking rather his advocate has kept him in the dark and has prepared the said affidavit using blank sheets that already contained the signature of the deponent.

4. The contention is that the petitioner wants to contest the orders which have been passed dated 23.02.2019 & 21.01.2019 as well as the order dated 07.04.2022.

5. However, before proceeding with the matter and considering that an affidavit for undertaking had been given by Sri Jaiker Pandey, the petitioner no. 1 herein for vacating the premises in dispute on the basis of which this Court vide order dated 31.05.2023, a copy of which is annexure 9 in the earlier petition namely Matter Under Article 227 No. 879 of 2023 had recorded the said undertaking, as such, let a report be submitted by the learned Senior Registrar of this Court after verifying from the register of the Oath Commissioner pertaining to the affidavit of undertaking as to whether the petitioner was present at the time of the affidavit as would emerge from a perusal of the register of the Oath

Commissioner. The affidavit of undertaking is part of annexure SA 1 (Page 13) to the supplementary affidavit filed today.

6. Let a report be submitted after perusal of all the relevant registers or CCTV footage if required as would enable the learned Senior Registrar to arrive at some finding regarding the presence of the petitioner at the time of filing of the said affidavit.

7. List this case after two weeks as fresh.

**Order Date :- 11.3.2024**

Pachhere/-