

Court No. - 40

Case :- WRIT - C No. - 24179 of 2023

Petitioner :- Sachidanand Singh

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Ramakant Singh

Counsel for Respondent :- C.S.C.,Harindra Prasad

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner; Sri Devesh Vikram, learned Additional Chief Standing Counsel for the State-respondent and Sri Harindra Prasad, learned counsel for the respondent no. 5 to 7.
2. The present writ petition has been preferred for a mandamus commanding the respondent no. 3 to comply with the order dated 22.5.2023 passed by respondent no. 2 within stipulated period. Alternatively, prayer is made to direct the respondent no. 3 to decide the representation dated 24.6.2023 within stipulated period.
3. Learned counsel for the petitioner states that as there is dispute between the parties, wherein, certain rights have been derived on the basis of ceiling proceeding under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960. The contesting-respondent claims certain rights on the basis of some lease. He has placed reliance upon the order dated 9.10.2023 passed by Sub Divisional Magistrate Sadar, Mau indicating therein he had constituted a five-member committee for fact finding enquiry and the parties were directed to appear on 11.10.2023 at 10 AM. In this backdrop, he submits that as the proceeding is pending before the Sub Divisional Magistrate, he is not inclined to press the present writ petition but the direction may be issued to the Sub Divisional Magistrate concerned to proceed strictly in accordance with law.
4. Considering the factual aspect of the matter, as the parties have already appeared before the Sub Divisional Magistrate/competent authority, we are not inclined to proceed under Article 226 of the Constitution of India. Needless to say, the respondent-Authority must finalise the proceeding in question, strictly in accordance with law but certainly after affording opportunity to all stakeholders in the matter.

Order Date :- 16.10.2023

A.K.Srivastava