

Court No. - 49

Case :- WRIT - C No. - 27043 of 2023

Petitioner :- Nagendra Singh

Respondent :- District Magistrate / Collector And 11 Others

Counsel for Petitioner :- Mahesh Narain Singh, M.N. Singh

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Akhilendra Singh, Advocate holding brief of Sri Mahesh Narain Singh, learned counsel for the petitioner; Sri Anshul Nigam, learned Standing Counsel for the State-respondents no.1 to 5 and Sri Bhupendra Kumar Tripathi, learned counsel for the Gaon Sabha-respondents no.6 to 9.

2. This Court vide order dated 29.08.2023 granted three weeks' time to the learned Standing Counsel to seek instructions in the matter. Again on 05.10.2023, further ten days' time was allowed to complete the instructions.

3. Learned Standing Counsel submits that no further instructions have been received by him till date.

4. The present writ petition has been filed seeking a writ in the nature of mandamus commanding the respondents to implement the judgment dated 05.04.2023 and the decree dated 20.04.2023 as contained in annexure no.3 & 4 to the writ petition respectively. The proceedings of the Case No.3687 of 2022 under Section 116 of the U.P. Revenue Code, 2006, were concluded in the month of April, 2023, but till date the enforcement of the order passed therein has not been made.

5. Learned counsel for the petitioner has drawn the attention of this Court to the order dated 29.05.2023 by means of which the Sub Divisional Officer, Chakiya, District Chandauli, has constituted a revenue team for enforcement of the aforesaid order passed in the Case No.3687 of 2022.

6. From perusal of the aforesaid order, it appears that there is some apprehension of breach of peace on the spot for which the Sub Divisional Officer concerned has requested the Circle Officer to provide adequate police force to maintain law and order on the

spot for the purpose of implementation of the order as referred above.

7. Learned Standing Counsel submits that he has no instructions as to whether the order in question has been challenged in appeal or not.

8. Considering the aforesaid facts and circumstances of the case, the writ petition is finally **disposed of** with a direction to the Sub Divisional Officer, Chakiya, District Chandauli (respondent no.2) to take appropriate steps for enforcement/implementation of the aforesaid order and ensure that the judgment dated 05.04.2023 followed by the decree dated 20.04.2023 in Case No.3687 of 2022 (Computerized Case No.T202214180203687) passed under Section 116 of the U.P. Revenue Code, 2006, be carried out strictly in accordance with law, within a maximum period of **one month** from the date a certified copy of this order is produced before him, unless there is any legal impediment.

Order Date :- 27.10.2023

Abhishek Gupta