

Court No. - 51

Case :- WRIT - C No. - 28344 of 2023

Petitioner :- Devendra Kumar And 3 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Rakesh Kumar Upadhyay

Counsel for Respondent :- C.S.C.,Azad Rai

Hon'ble Chandra Kumar Rai,J.

1. Heard learned Counsel for the petitioners, Mr. Shridhar Tripathi, learned counsel for the State-respondents and Mr. Azad Rai, learned counsel for respondent- Gaon Sabha.

2. The instant petition has been filed for mandamus directing respondent no.2 i.e. Sub-Divisional Magistrate, Meja, District- Prayagraj to decide the Case Nos.68/73/97/104/141/243/4/5/5/2007-2008 (Computerized Case No.T200802389), under Section 229B of U.P.Z.A. & L.R. Act within stipulated period.

3. Learned counsel for the petitioners submitted that the aforementioned suit for declaration filed on behalf of the petitioners is pending since 1991. He further submitted that the defendants are appearing in the pending suit but the same has not been decided in spite of expiry of more than 31 years.

4. On the other hand, learned Standing Counsel for the State-respondents submitted that the suit was dismissed for non-prosecution. He further submitted that restoration proceedings were pending in the aforementioned suit, as such, the delay has been caused in deciding the matter.

5. Considering the entire facts and circumstances, the instant petition is finally disposed of directing respondent no.2 i.e. Sub-Divisional Magistrate, Meja, District- Prayagraj to conclude the proceeding of aforementioned pending suit after framing issues and giving parties to lead evidence in accordance with law, expeditiously preferably within a period of three months from the date of production of certified copy of this order before him.

6. It is made clear that this Court has not expressed any opinion on the merits of the case.

Order Date :- 26.10.2023

Rameez