

Court No. - 51

Case :- WRIT - C No. - 28376 of 2023

Petitioner :- Smt.Phulwasi (Widow)

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Atmaram Nadiwal,Dinesh Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard learned counsel for the petitioner and Mr. Anil Kumar Srivastava, learned Standing Counsel for the State-respondents.

2. The instant petition has been filed for the following relief:

"i. issue a writ, order or direction in the nature of mandamus directing learned Court below to decide the Case No.01099 of 2019, Computerized Case No.T201905470201099 (Sursati vs. Smt. Chanardei), under Section 34 of U.P. Revenue Code, 2006 pending before the Nayab Tahsildar, Tahsil- Nichlaul, District- Maharajganj, expeditiously preferably within a stipulated period, in the interest of justice."

3. This Court vide order dated 29.8.2023 has directed the learned Standing Counsel to obtain instruction in the matter.

4. In compliance of the earlier order of this Court dated 29.8.2023, instruction dated 9.9.2023 has been placed before the Court by Mr. Anil Kumar Srivastava, learned Standing Counsel for the State-respondents, which is taken on record.

5. Learned Standing Counsel on the basis of instruction dated 9.9.2023 submitted that the proceeding shall be concluded expeditiously. He further submitted that due to unavoidable circumstances, the proceedings cannot be concluded.

6. Considering the facts mentioned in the instruction dated 9.9.2023, the instant petition is finally **disposed of** directing respondent no.2 i.e. Nayab Tahsildar, Tahsil- Nichlaul, District- Maharjganj to decide the Case No.01099 of 2019, Computerized Case No.T201905470201099 (Sursati vs. Smt. Chanardei), under Section 34 of U.P. Revenue Code, 2006 in accordance with law after affording opportunity of hearing to both parties, expeditiously preferably within a period of two months from the date of production of certified copy of this order before him.

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

8. Registrar (Compliance) is directed to communicate this order for necessary compliance to respondent no.3 i.e. Nayab Tahsildar, Tahsil- Nichlaul, District- Maharjganj within three days.

Order Date :- 26.10.2023/Rameez