

Court No. - 47

Case :- WRIT - C No. - 31261 of 2023

Petitioner :- Mahaveer Prasad Sharma

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

Counsel for Petitioner :- Rajesh Kumar Mishra

Counsel for Respondent :- C.S.C., Sunil Kumar Singh

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and perused the record.

2. At the very outset, learned counsel for the petitioner prays that he does not wish to press the first prayer made in the writ petition. Learned counsel for the petitioner prayed that a mandamus be issued directing the respondent no.2 to decide the interim application, seeking stay the effect and operation of the order dated 19.1.2023 passed by Assistant Collector/respondent no.5 in appeal No.353 of 2023 (Mahaveer Prasad Sharma Vs. LMC).

3. Contention of the learned counsel for the petitioner is that against the order dated 19.1.2023 passed by respondent no.5 in proceeding under Section 67 of U.P. Revenue Code, 2006, an appeal has been filed by the petitioner wherein, application for interim relief has been filed by the petitioner but no orders have been passed on the aforesaid application.

4. In view of the above, no useful purpose would be served in keeping this petition pending.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present petition stands **disposed of** finally with a direction to respondent No. 2 to decide the interim application seeking the stay the effect and operation of order dated 19.01.2023 filed in Appeal No.353 of 2023 (Mahaveer Prasad Sharma Vs. LMC), in accordance with law, expeditiously, preferably within a period of **two months** from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

6. Till the disposal of the application for interim relief, no coercive action shall be taken against the petitioner.

Order Date :- 26.10.2023/Pravesh Mishra