

Court No. - 47

Case :- WRIT - C No. - 31737 of 2023

Petitioner :- Subedar

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Ajeet Kumar Srivastava

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

Hon'ble Manish Kumar Nigam, J.

Ref: Civil Misc. Amendment Application No. 2 of 2023.

1. Amendment application is **allowed**.
2. The petitioner is permitted to carry out the amendment during the course of the day.

Order on Writ Petition.

3. Heard learned counsel for the parties and perused the record.
4. The writ petition has been filed for the following relief:

"i) issue the writ, order or direction in the nature of mandamus commanding the Commissioner, Varanasi Mandal Varanasi to decide the Appeal No. 1634 of 2023, Computerized Case No. C202314000001634 (Subedar Vs. Baburam and others) under Section 207 of U.P. Land Revenue Code, 2006 pending since 01.08.2023 before Commissioner, Varanasi Mandal Varanasi within stipulated period as fixed by this Hon'ble Court."

5. The contention of learned counsel for the petitioner is that against the order dated 05.07.2023 passed in proceedings under Section 176 U.P.Z.A. & L.R. Act, an appeal has been filed by the petitioner before the respondent No. 2 on 01.08.2023 along with an application for interim relief which has not been considered by the respondent No. 2.

6. No useful purpose would be served in keeping this petition pending.

7. 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-Additional Commissioner Judicial-I, Varanasi, Mandal Varanasi to decide the application for interim order, 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.

Order Date :- 31.10.2023

Nitika Sri.

(Manish Kumar Nigam, J.)