

Court No. - 51

Case :- WRIT - C No. - 32251 of 2023

Petitioner :- Ganesh Singh

Respondent :- Additional Sub Divisional Magistrate And 11 Others

Counsel for Petitioner :- Manish Nath Tripathi, Ajay Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard Sri Pankaj Kumar Shukla, Advocate holding brief of Sri Manish Nath Tripathi, learned counsel for the petitioner and Sri Rajesh Kumar Dwivedi, learned state law officer for State-respondents

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

"I. Issue a writ, order or direction in the nature of mandamus directing the respondent No. 1/ Additional Sub-Divisional Magistrate, First Sadar Deoria, District Deoria to decide the Case No. 45 of 1988, new no. 94/2011-2012, Computerized Case No. D2012052000474 (Harihar Saran vs. Ganesh and others), Under Section 176 of U.P.Z.A. and L.R. Act, 1950 pending before him expeditiously within stipulated time as fixed by this Hon'ble Court after providing full opportunity of hearing to the Petitioner.

II. Issue any other order or direction which this Hon'ble court deems fit and proper in the interest of Justice."

3. This court vide order dated 27.09.2023 directed the learned counsel for the petitioner to file supplementary affidavit stating about the steps taken to serve the respondents by way of publication in pursuance of order dated 04.08.2023.

4. Supplementary affidavit dated 25.10.2023 has been filed stating that no steps for publication has been taken by respondent no. 3 who is plaintiff of the aforementioned partition suit.

5. Counsel for the petitioner submits that aforementioned partition suit No. 45 of 1988 new no. 94 of 2011-12 Computerized Case No. D2012052000474 under section 176 of U.P.Z.A. and L.R. Act,

1950 is pending since 1988.

6.Considering the facts and circumstances of the case, this writ petition is disposed of finally directing the respondent No. 1, Additional Sub Divisional Magistrate-I (Sadar), Deoria to decide the aforementioned partition suit expeditiously within a period of four months from the date of production of certified copy of this order before him after affording the opportunity of hearing to either of the side.

Order Date :- 26.10.2023

RPD