

Court No. - 52

Case :- WRIT - C No. - 32904 of 2023

Petitioner :- Lal Bahadur Rai And Another

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Shiv Sagar Singh, Mayank Upadhyay

Counsel for Respondent :- CSC, Shashi Kant Rai

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Shiv Sagar Singh, learned counsel for petitioners and learned Standing counsel for State respondents and Sri Shashi Kant Rai, learned counsel for respondent no. 5 to 8.

2. Present petition has been filed seeking following reliefs:

"(i) Issue a writ, order or direction in the nature of certiorari quashing of the impugned order dated 26.08.2023 passed by the Additional Commissioner, Gorakhpur (Annexure no. 3 to the writ petition) as well as order dated 01.01.2013 passed by SDM, Gola (Annexure no. 2) to the writ petition."

3. The issue raised by learned counsel for petitioners in the present petition pertains to plot nos. 140, 234 and 229 total area 1.746 hectare situated at village Nagwanprem, Tehsil Gola, District Gorakhpur and a declaration suit under 229-B with respect to same plot numbers is pending for consideration before Additional City Magistrate/Assistant Collector I Class, Gorakhpur.

4. Learned counsel for petitioner submitted that grievance of petitioners would sufficiently be met in case an application dated 25.07.2009 preferred by petitioner under Order 39 Rule 1 CPC in case no. 43/505/98 (Lal Bahadur and others vs. Raja Ram (since dead) and others) be decided in a time bound manner.

5. It has been intimated by Sri Shashi Kant Rai, learned counsel appearing for respondent that there is a specific order for expedite disposal of the suit no. 65/82/106/131/2009-2010, computerized suit no. D2009053100127 under Section 229 Bof U.P.Z.A & L.R. Act, (Lal Bahadur & another vs. Raja Ram & others) with regard to mauja- Nagwaprem Plot no. 140, 234, 229 total area 1.746 H. and Village- Saram, plot no. 21 area 0.287 H. Pargana- Dhuriyapar, Tehsil Gola, District Gorakhpur within a period of eight months vide judgment dated 03.03.2023 as such the stipulated time as granted by co-ordinate Bench of this Court is

going to be expired on dated 03.11.2023 and as such there is hardly any necessity for issuing any further direction for expedite disposal of any application whatsoever is pending for so long when the entire matter is going to be decided within one month.

6. In view of aforementioned facts and circumstances, no cause of action further survives for petitioner to pursue the instant petition and the same stands ***disposed of*** accordingly.

Order Date :- 17.10.2023

Shaswat