

Court No. - 52

Case :- WRIT - C No. - 32859 of 2023

Petitioner :- Dukhi

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

Counsel for Petitioner :- Shashi Ranjan Srivastava

Counsel for Respondent :- C.S.C.,Sudhir Bharti

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Shashi Ranjan Srivastava, learned counsel for petitioner and learned Standing Counsel for the State-respondents.

2. Present writ petition has been filed seeking following reliefs:

"(i) issue a writ, order or direction in the nature of mandamus directing the respondents to decide the claim of the petitioner and not interfere peaceful possession of plot no. 259 area 0.181 hectare village Bishunpura Bujurg, Tappa Bansi Chirgota, Pargana Siha Jor, Tehsil Padrauna, District Kushi Nagar and decide the claim of the petitioner to this writ petition.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents to decide the representation of the representation dated 30.06.2023 (Annexure no. 5) to writ petition."

3. Learned counsel for petitioner submits that grievance of petitioner would sufficiently be met in case, Appeal no. 1540 of 2022 (Dukhi Vs. State of U.P.) preferred by petitioner under Section 67(5) of U.P. Revenue Code, 2006 before respondent no. 2 is considered and decided in a time bound manner by respondent no. 2.

4. Learned Standing Counsel submits that no useful purpose would be served in keeping the writ petition pending and an appropriate direction may be issued to respondent no.2 to consider the grievance of the petitioner.

5. Be that as it may, without entering into the merits of the case as well as if there is no other legal impediment available, the respondent no.2 is hereby directed to consider and decide Appeal no. 1540 of 2022 (Dukhi Vs. State of U.P.) preferred by petitioner under Section 67(5) of U.P. Revenue Code,

2006, as expeditiously as possible, preferably within a period of nine months from the date of production of certified copy of this order, after affording proper opportunity of hearing to all the parties. However, it is made clear that during pendency of the appeal, no coercive measures may be initiated against the petitioner.

6. With the aforesaid directions, the writ petition is **disposed of**.

Order Date :- 17.10.2023

Shaswat