

Court No. - 51

Case :- WRIT - C No. - 33353 of 2023

Petitioner :- Indu Devi

Respondent :- State Of U.P. And 16 Others

Counsel for Petitioner :- Pradeep Kumar, Anand Yadav

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

Hon'ble Chandra Kumar Rai, J.

1. Heard Sri Pradeep Kumar, learned counsel for the petitioner, Sri Abhishek Shukla, learned Addl. C.S.C. for the state-respondents and Sri Sudhir Bharti, learned counsel for the respondent-gaon sabha.

2. In compliance of the order of this Court dated 27.9.2023, instruction dated 17.10.2023 has been placed before the Court by Sri Abhishek Shukla, learned Addl. C.S.C., after serving a copy thereof upon the learned counsel for the petitioner.

3. Sri Shukla, learned Addl. C.S.C., on the basis of the instruction, submitted that the suit for partition filed by the petitioner has been registered as Case No.T202305440307873, under Section 116 of the U.P. Revenue Code, 2006 before the S.D.O., Tamkuhiraj, Kushinagar wherein the next date fixed is 20th October, 2023.

4. Counsel for the petitioner states that appropriate direction be issued for the disposal of the aforesaid partition suit in accordance with law. He also submitted that petitioner has earlier filed an application for stay along with plaint which is also pending before the authority concerned. He further submitted that the case is not proceeding according to the provisions of Rule 109(10) of the U.P. Revenue Code Rules, 2016 which provides that the partition matter be decided within 6 months but more than 6 months have elapsed but the aforesaid partition matter is still pending before the authority concerned.

5. In view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, this petition is disposed of with the direction to respondent no.2/S.D.O., Tamkuhiraj, Kushinagar to decide the pending

stay application, expeditiously, preferably within a period of 6 weeks, from the date of production of a certified copy of this order before the authority concerned, and further the entire partition matter be also decided by respondent no.2, expeditiously, preferably within a period of 6 months, from the date of disposal of the stay application, in accordance with law.

Order Date :- 18.10.2023

C.Prakash