

Court No. - 49

Case :- WRIT - B No. - 3305 of 2023

Petitioner :- Sharda

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Nand Kishor Mishra, Sanjay Kumar Asthana

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Shri N.K. Mishra, learned counsel for the petitioner and Shri Arunesh Singh, learned Standing Counsel for the State-respondents No.1 to 4.
2. By means of the present writ petition, the petitioner has challenged the judgment and order dated 22.08.2023 passed by the learned Board of Revenue, Allahabad, U.P. (respondent No.2) in Revision bearing No. REV/2066/2023 (Sharda versus Commissioner, Chitrakoot and others).
3. Learned counsel for the petitioner submits that the against the order dated 31.05.2023 passed in the Appeal No. 101/2023, under Section 207 of U.P. Revenue Code, 2006, by the Commissioner, Chitrakootdham, Mandal Banda, the petitioner has filed a Revision under Section 210 of the U.P. Revenue Code, 2006, which has been registered as Case No. REV/2066/2023, and the same is pending for disposal before the learned Board of Revenue-respondent No.2. He further submits that the petitioner has filed an application for interim relief along with the revision, which is also pending for orders.
4. Learned counsel for the petitioner after arguing the matter at some length prays for and is allowed to amend the prayer clause during the course of the day.
5. After the amendment having been carried out in the prayer clause of the memo of the writ petition, learned counsel for the petitioner made a categorical statement that at this stage he is not pressing the prayer Nos.1, 2 and 3 made in the writ petition. Insofar as prayer No. 4 is concerned, learned counsel for the petitioner submits that he is only pressing the prayer No.4 of the writ petition, which is reproduced as under:-

"Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no.2 to consider and decide the stay application filed by the petitioner in Revision No. 2066/2023 (Sharda versus Commissioner and others), within the stipulated period as fixed by this Hon'ble Court."

6. Learned Additional Chief Standing Counsel submits that he has no objection to the extent that a direction is issued by this Court for expeditious disposal of the above mentioned application for interim relief, within stipulated period as fixed by this Court.

7. Considering the facts that the learned counsel for the petitioner pressing only the prayer no.4, the service of notice upon the respondents Nos. 5 and 6 is dispensed with.

8. Accordingly, without advertng on merits of the case and with the consent of the parties, this Court deems it appropriate to finally dispose of the present writ petition with a direction to Board of Revenue, U.P., Prayagraj (respondent No. 2), before whom the aforementioned matter is pending for disposal, to pass appropriate orders on the application for interim relief, if any filed by the petitioner in the Revision No. 2066 of 2023 (Sharda versus Commissioner, Chitrakoot, and others), strictly in accordance with law, expeditiously and preferably on the next date fixed in the matter or within a period of one month thereafter.

9. With the aforesaid direction, the present writ petition is **disposed of**.

Order Date :- 31.10.2023

Anjali