

Court No. - 47

Case :- WRIT - C No. - 34775 of 2023

Petitioner :- Sunita Chauhan And Another

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

Counsel for Petitioner :- Om Prakash Katiyar

Counsel for Respondent :- C.S.C., Amar Bahadur Maurya, Hari Narayan Singh, Shiv Kumar Maurya

Hon'ble Manish Kumar Nigam, J.

C. M. Amendment Application

1. Amendment application has been filed today by learned counsel for the petitioner and the same is taken on record.
2. Office is directed to allot number to the amendment application.
3. Amendment application is allowed.
4. Learned counsel for the petitioner is permitted to carry out the amendment during the course of the day.

Order on petition

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and perused the record.
2. The instant writ petition has been filed for following prayer:

"i) Issue a writ, order or direction in the nature of mandamus commanding the respondents not to dispossess the petitioners from land in question situated at Gata No. 1183 area 3700 Sq. meter of village Haseran Pargana and Tehsil Tirwa District Kannauj.

ii) Issue a writ, order or direction in the nature of mandamus commanding the respondents not to demolish the Guest House constructed by the petitioners over land in question situated at Gata No. 1183 area 3700 Sq. meter of village Haseran Pargana and Tehsil Tirwa District Kannauj and not to initiate recovery proceedings in pursuant to the order dated 7.8.2023 passed by the respondent no. 3."

iii) Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 to consider and decide the appeal as well as stay application filed along with thereof expeditiously as early as possible stipulated period as fixed by this Hon'ble Court.

iv) Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 18.10.2023 passed by Collector/Respondent no. 2 (vide Annexure No. 7 to the writ petition).

3. Contention of the learned counsel for the petitioner is that against an order dated 07.08.2023 passed in proceedings under Section 67 of U.P. Revenue Code, 2006, the petitioner has preferred an appeal along with stay application. The stay application filed by the petitioner has been rejected and the appeal is pending.

4. No useful purpose would be served in keeping this petition pending.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present petition stands disposed of finally with a direction to appellate authority/respondent No. 2 to consider and decide the appeal filed by the petitioner, in accordance with law, expeditiously, preferably within a period of **three months** from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

6. Till the decision of the appeal, the parties are directed to maintain status quo.

Order Date :- 9.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)