

Court No. - 47

Case :- WRIT - C No. - 33039 of 2023

Petitioner :- Badri Singh

Respondent :- The Commissioner Chitrakoot Dham Division And 3 Others

Counsel for Petitioner :- Chandra Prakash Kushwaha

Counsel for Respondent :- CSC, Achal Singh

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the petitioner, Sri Achal Singh, learned counsel for the Gaon Sabha and learned Standing Counsel and perused the record.

2. The present petition has been filed with the following prayer:

"a. Issue a writ, order or direction in the nature of mandamus commanding the respondents and their Sub-ordinates not to give effect of judgment and order dated 19.12.2019 during pendency of the Appeal No. C202207000000553 (Badri Singh v. Deepika Singh & others) under Section 207 of U.P. Revenue Code, 2006 pending before the Commissioner Chitrakoot Dham Division, Banda.

b. issue a writ, order or direction in the nature of mandamus commanding the respondents and their Sub-ordinates not to interfere in peaceful possession of the petitioner during pendency of the Appeal No. C202207000000553 (Badri Singh v. Deepika Singh & others) under Section 207 of U.P. Revenue Code, 2006 pending before the Commissioner Chitrakoot Dham Division, Banda."

3. Contention of the learned counsel for the petitioner is that in proceedings under Section 144 of U.P. Revenue Code, 2006, an order has been passed on 19.12.2019 by the trial court against which the petitioner has preferred an appeal along with delay condonation application. By order dated 30.06.2022, the delay in filing the appeal was condoned, the appeal was admitted and lower court record was summoned. On 09.08.2023, the petitioner moved an application for interim relief with a prayer that the respondents are trying to sell the property and they may be restrained from alienating the property in dispute. It is further contended by learned counsel for the petitioner that the aforesaid application filed is still pending and no orders have been passed. It is also stated by learned counsel for the petitioner that the next date fixed in the appeal is 14.11.2023.

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

5. In the facts and circumstances of this case, this writ petition is disposed of with a direction to the respondent authorities to decide the interim relief application dated 09.08.2023 on the date fixed i.e. 14.11.2023 and in case the same could not be decided due to some unavoidable circumstances, the same shall be decided within a

further period of two weeks from 14.11.2023.

6. Till disposal of the interim relief application, the parties are directed to maintain status quo.

Order Date :- 27.10.2023

Ved Prakash

(Manish Kumar Nigam, J.)