

Court No. - 47

Case :- WRIT - C No. - 33611 of 2023

Petitioner :- Rambaran

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

Counsel for Petitioner :- Komal Prasad

Counsel for Respondent :- C.S.C

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the parties and perused the record.

2. This writ petition has been filed for following relief:

"I. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 3 to take necessary action against private Respondent No. 4 to 6 for raising illegal construction over the land of the petitioner i.e. Khasra No. 190 measuring as area .0490 hect, situated at village - Naharmau, Tehsil-Machhalishahar, District Jaunpur, in pursuance of the complaint Application moved by petitioner dated 11.09.2023.

II. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 3 to decide the application dated 11.09.2023 moved by the petitioner before him in the case No. T202314360305525 under section 24 of the code, 2006 within specific period as stipulated by this Hon'ble court"

3. The first relief as prayed cannot be granted as no direction can be issued to a private person. So far as the second relief is concerned, learned Standing Counsel states that application of the petitioner under Section 24 of the U.P. Revenue Code, 2006 is pending before respondent no. 3 and he has no objection in case the aforesaid application is decided.

4. 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 respondent No. 3 Sub Divisional Officer, Tehsil Machhalishahar, District Jaunpur to consider and decide the aforementioned application under Section 24 of U.P. Revenue Code, 2006, 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.

Order Date :- 2.11.2023

Ved Prakash