

Court No. - 47

Case :- WRIT - C No. - 33657 of 2023

Petitioner :- Radheyshyam

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

Counsel for Petitioner :- Vivek Kumar Pal

Counsel for Respondent :- CSC, Hari Narayan Singh

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 commanding and directing the respondents to stop the illegal encroachment over the Arajai No. 498 having area 0.4300 of the petitioner.

ii. Issue a writ, order or direction in the nature of the MANDAMUS commanding and directing the respondent no. 2 and 3 not to take any coercive action against the petitioner till the pendency of Case No. 624 of 2023 (Radheyshyam Vs. Gaon Sabha and others) under Section 24 of U.P. Revenue Code, 2006 pending before the court of respondent no. 3."

3. Contention of the learned counsel for the petitioner is that though the petitioner has filed an application under Section 24 of the U.P. Revenue Code, 2006 and the same is pending and the respondents are encroaching the land of the petitioner without deciding the application filed by the petitioner under 24 of the U.P. Revenue Code, 2006.

4. On instructions, learned Standing Counsel has submitted that the proceedings under Section 24 of U.P. Revenue Code, 2006 are pending and are likely to be decided very soon.

5. In view of the same, I am not inclined to interfere in the matter.

6. 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 Magistrate, Tehsil Bilhaur, District Kanpur Nagar to consider and decide the aforementioned proceeding under Section 24 of U.P. Revenue Code, 2006, in accordance with law,

expeditiously, preferably within a period of one month 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 :- 5.12.2023

Ved Prakash

(Manish Kumar Nigam, J.)