

Court No. - 51

Case :- WRIT - C No. - 33925 of 2023

Petitioner :- Santosh Kumar And 5 Others

Respondent :- State Of U.P. And 11 Others

Counsel for Petitioner :- Anil Kumar Srivastava

Counsel for Respondent :- C.S.C.,Pradeep Singh

Hon'ble Chandra Kumar Rai,J.

1.Heard Counsel for the petitioners, Mr. Shridhar Tripathi, learned Standing Counsel for the State-respondent and Mr. Pradeep Singh, learned counsel for respondent No.3/Land Management Committee.

2.The instant writ petition has been filed praying for a mandamus directing respondent No.2/ Sub Divisional Officer, Sadar, Mirzapur to decide the case No.30 of 2009 New Case No.RST/806/2021, bearing its computerized Case No.D202116530000806 (Santosh Kumar and others Vs. Gram Panchayat and others)under Section-229-B of U.P.Z.A.& L.R. Act within stipulated period.

3. Learned counsel for the petitioners submitted that the aforementioned suit for declaration filed by the petitioner is pending since 2009. He further submitted that certified copy of the order sheet of the proceeding has been annexed as Annexure No. 2 to the writ petition in order to demonstrate that the case is not proceeding expeditiously.

4. Mr. Shridhar Tripathi, learned Standing Counsel for the State-respondents submitted that suit was dismissed for non prosecution and the same was restored on 22.07.2023, as such plaintiff-

petitioners are responsible for the pendency of the suit for last more than 10 years.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the present petition stands **disposed of** finally with a direction to respondent No.2/ Sub Divisional Officer, Sadar, Mirzapur to consider and decide the aforementioned suit after framing issues giving liberty to the parties to lead evidence in accordance with law expeditiously preferably within a period of **four months** from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned.

Order Date :- 18.10.2023

PS*