

Court No. - 47

Case :- WRIT - C No. - 35724 of 2023

Petitioner :- Smt. Vimla Devi @ Vimlesh Kumari

Respondent :- State Of U.P. And 20 Others

Counsel for Petitioner :- Mahendra Nath Pandey

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 challenging the impugned order dated 28.06.2023 passed by respondent no.3 in Case No.1279 of 2023 in Computerized No.T202301490101279 (Smt. Vimla Devi and others Vs. Smt. Savitri Devi and others), under Section 23 of U.P. Revenue Code, 2006.
3. The contention of learned counsel for the petitioner is that after an order passed under Section 24 of the U.P. Revenue Code, 2006, boundary marks were erected and later on removed by the respondent no.2 and petitioner filed an application under Sections 22/23 of the U.P. Revenue Code, 2006. Application of the petitioner has been rejected on the ground, by the respondent no.3, that against an order passed under Section 24, an appeal has been filed by the opposite party no.2 and the same is pending consideration. It has been further contended that the petitioner is the respondent no.1 in the aforesaid appeal, which is pending before the court of respondent no.5.
4. Since the appeal against an order under Section 24 of the U.P. Revenue Code, 2006 is pending. No useful purpose would be served in keeping the writ petition pending or interfering in the matter.
5. Let respondent no.5 to consider and decide the appeal filed by the opposite party no.2, in which petitioner is the respondent no.1, expeditiously preferably within a period of three months from today after providing opportunity of hearing to all concerned parties provided there is no other legal impediment.
6. With the aforesaid observation, this petition stands **disposed of**

Order Date :- 2.11.2023

Mini

(Manish Kumar Nigam, J.)