

Court No. - 47

Case :- WRIT - C No. - 34261 of 2023

Petitioner :- Dwarika And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Tripathi B.G. Bhai, Pramod Kumar Singh

Counsel for Respondent :- C.S.C., Sudhir Bharti

Hon'ble Manish Kumar Nigam, J.

C. M. Amendment Application No. 2 of 2023

1. Amendment application is allowed.
2. Learned counsel for the petitioner is permitted to carry out the amendment during the course of the day.

Order on petition

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and perused the record.

2. The instant writ petition has been filed for following relief:

"(IV) Issue a writ, order or direction in the nature of mandamus, commanding the respondents to decide the application under Section 28 of Land Revenue Act being Case No. 684/323/2011, Smt. Fulena and others Vs. Gram Sabha and others pending in the court of Additional District Magistrate, Kushi Nagar, within stipulated period to be specified by this Hon'ble Court."

3. Contentions of the learned counsel for the petitioner is that an application under Section 28 of U. P. Land Revenue Act, 1901 is pending since 2012. He prayed that the same may be decided, expeditiously.

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

5. 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 Additional District Magistrate, Kushi Nagar to consider and decide the aforementioned application, 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 :- 9.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)