

Court No. - 10

Case :- WRIT - C No. - 35656 of 2023

Petitioner :- Dr B.R. Ambedkar Jan Kalyan Samiti And Another

Respondent :- State Of U.P. And 166 Others

Counsel for Petitioner :- Pradeep Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Pradeep Kumar Tiwari, learned counsel for the petitioners and learned Standing Counsel for the State-respondents.

2. It is contended that challenging the order dated 20.06.2023 passed by the Prescribed Authority, the petitioner has filed statutory appeal No. 28 of 2023 (Computerized Case No. C-202311000001135) (Dr. B.R. Ambedkar Jan Kalyan Samiti and others vs Omvir Singh and others), which is pending before the Commissioner of the Division.

3. It is further contended that stay application is pending and the same is not being considered by the Appellate Authority.

4. Learned Standing Counsel submits that the Appellate Authority having no power to grant stay pending appeal, the prayer for consideration of stay application cannot be granted, however, he submits that the appeal itself can be decided within the stipulated period of time.

5. In view of facts and circumstances of the case, the writ petition is **disposed of** directing the respondent No.2, Commissioner, Meerut Division Meerut to decide the Appeal No. 28 of 2023 (Computerized Case No. C-202311000001135) (Dr. B.R. Ambedkar Jan Kalyan Samiti and others vs Omvir Singh and others) **on or before 28.02.2024**, after providing full opportunity of hearing to the parties of appeal, provided a certified copy of this order is filed before the Commissioner **by the end of November, 2023**.

Order Date :- 9.11.2023

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