

Court No. - 6

Case :- WRIT - C No. - 34517 of 2023

Petitioner :- Smt. Nankai Rani

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Shri Krishna Mishra,Ajay
Mishra,Ashish Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Shri Krishna Mishra, learned counsel for the petitioner and learned Standing Counsel for the respondents.

This writ petition has been filed by the petitioner with a prayer to quash the order dated 29.08.2023 passed by the respondent no.2 in Case No.366 of 2023 computerized Case No.D-202307190000366/2023 (State of U.P. through Deputy Registrar, Karvi vs. Nankai Rani), under Section 47 A of Indian Stamp Act, 1899.

At the very outset, learned Standing Counsel has raised preliminary objection regarding maintainability of the writ petition as there is an alternative remedy of filing an appeal against the impugned order.

On the aforesaid objection, learned counsel for the petitioner submits that in case the petitioner files an appeal, a direction may be issued to the appellate authority to decide the same within stipulated period.

In view of the aforesaid, no useful purpose will be served to keep this writ petition pending and calling for a counter affidavit.

Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this writ petition is finally **disposed of** with a direction that in case the petitioner files an appeal before the appellate authority alongwith certified copy of this order within a period of three weeks from today, the appellate authority shall make all endeavours to consider and decide the same, ignoring the delay, if any, after giving opportunity of hearing to all the parties, in accordance with law, by a reasoned and speaking order, within a period of six months from the date of

filing appeal.

It is made clear that this Court has not examined the merits of the case and the authority concerned shall apply its own mind strictly in accordance with law.

Order Date :- 16.10.2023

Jitendra/-