

Court No. - 51

Case :- WRIT - C No. - 35674 of 2023

Petitioner :- Amarnath

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Brajesh Kumar Singh

Counsel for Respondent :- C.S.C., Azad Rai

Hon'ble Chandra Kumar Rai, J.

1. Counsel for the petitioner is permitted to implead Sub Divisional Magistrate, Tehsil- Handia, District- Prayagraj, Mandal Prayagraj as respondent no.3 in the writ petition during course of the day.

2. Heard Counsel for the petitioner, learned Standing Counsel for State-respondents and Mr. Azad Rai, Counsel for respondent no.2, Gaon Sabha.

3. The instant petition has been filed for following relief:-

" Issue a writ, order or direction in the nature of writ of mandamus directing the Court concerned i.e. Court of learned Sub Divisional Magistrate, Mandal Prayagraj, Tehsil Handia, Prayagraj, to decide the case No. 6305 of 2022, Computerized case No. T202202030406305 (Amarnath and others Vs. State of U.P.), under Section 144 of Uttar Pradesh Revenue Code, 2006, expeditiously within a time bound period as fixed by this Hon'ble Court."

4. Counsel for the petitioner submitted that aforementioned suit for declaration filed at the instance of the petitioner is pending since 8.9.2022. He submitted that one year has been passed but proceeding has not been concluded. He further submitted that Gaon Sabha and State are the only defendants in the aforementioned suit for declaration. He further placed the copy of the order-sheet which has been annexed as Annexure No. 2 to the writ petition in order to demonstrate that case is not proceeding expeditiously.

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.3, Sub Divisional Magistrate, Tehsil- Handia, District Prayagraj to consider and decide the aforementioned suit after framing issues and giving parties to lead evidence in accordance with law expeditiously and preferably within a period of **eight months** from the date of production of certified copy of this order.

Order Date :- 16.10.2023/ Vandana Y.