

Court No. - 6

Case :- WRIT - C No. - 36078 of 2023

Petitioner :- Ahsan Ali

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

Counsel for Petitioner :- Ram Pratap Yadav, Ram Naresh Shukla, Rishabh Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Heard Mr. Ram Pratap Yadav, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

2. This writ petition has been filed with a prayer to direct the respondent no.2- Commissioner Chitrakoot Dham Division, District Banda to decide the appeal filed by the petitioner on 11.09.2023 under Section- 56 of Indian Stamp Act arising out of Case No. RST/507/2022 (Computerized Case No.D202207110000507) "State of U.P. vs. Sri Ahsan Ali" under section- 47(A) of Indian Stamp Act, 1899.

3. Counsel for the petitioner submits that the aforesaid appeal has been filed on 11.09.2023 challenging the order dated 05.09.2023 passed by the District Magistrate concerned. Without waiting for the period as required, the recovery citation has been issued. Counsel for the petitioner further submits that he is ready to file the stay application along with requisite deposit as required under the Act within a period of two weeks from today. The direction may be issued for considering the stay application.

4. Learned Standing Counsel has no objection to the aforesaid.

5. Without entering into merits, with the consent of the parties, this writ petition is finally **disposed of** with a direction to the petitioner to file a fresh stay application along with requisite deposit before the respondent no.2- Commissioner Chitrakoot Dham Division, District Banda, along with a certified copy of this order within a period of two weeks from today and, if any such application is filed, the respondent no.2 shall make all endeavours to consider and decide the same after giving opportunity of hearing to all the parties expeditiously, in accordance with law, by reasoned and speaking order, preferably within a period of two months from the date of

receipt of the said application.

6. In case, the stay application is moved within the prescribed period, no coercive action shall be taken against the petitioner in the aforesaid appeal, with regard to certificate as issued, **till 07.11.2023.**

7. Needless to say that in case no such stay application is filed, the authority concerned may proceeds in accordance with law.

Order Date :- 17.10.2023

Saif