

Court No. - 52

Case :- WRIT - C No. - 35199 of 2023

Petitioner :- Kamlesh Babu

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Prem Sagar Verma, Gaurang
Kulshreshtha

Counsel for Respondent :- C.S.C, Avinash Chandra Srivastava

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Prem Sagar Verma, learned counsel for petitioner and learned Standing Counsel for the State-respondents.

2. Present writ petition has been filed seeking following reliefs:

"(i) To issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 01.02.2023 filed as Annexure no. 5 to the writ petition passed by the respondent no. 2, in so far as, the same rejects the stay application filed by the petitioner in Appeal no. 83/2023 computer case no. C202301000000083 Kamlesh Babu vs. Gram Panchayat;

(ii) To issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 Additional Commissioner Administration, Agra Division, Agra to consider and decide the appeal no. 83/2023 computer case no. C202301000000083 Kamlesh Babu vs. Gram Panchayat as expeditiously as possible preferably within the time stipulated by this Hon'ble Court and till then the parties may be directed to maintain the status quo with regard to nature, possession and creation of third-party rights in the land in question;"

3. Learned counsel for petitioner submits that grievance of petitioner would sufficiently be met in case, the appeal no. 83/2023, computer case no. C202301000000083 (Kamlesh Babu vs. Gram Panchayat) preferred by petitioner is considered and decided in a time bound manner by respondent no. 2.

4. Learned Standing Counsel submits that no useful purpose would be served in keeping the writ petition pending and an appropriate direction may be issued to respondent no.2 to consider the grievance of the petitioner.

5. Be that as it may, without entering into the merits of the case as well as if there is no other legal impediment available, the respondent no.2 is hereby directed to consider and decide appeal no. 83/2023, computer case no. C202301000000083 (Kamlesh

Babu vs. Gram Panchayat) preferred by petitioner, as expeditiously as possible, preferably within a period of nine months from the date of production of certified copy of this order, after affording proper opportunity of hearing to all the parties. During pendency of the appeal, all the parties shall maintain status quo over the plot in question.

6. With the aforesaid directions, the writ petition stands **disposed of**.

Order Date :- 18.10.2023

Shaswat