

Court No. - 47

Case :- WRIT - C No. - 36219 of 2023

Petitioner :- Agya Ram

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

Counsel for Petitioner :- Tripathi B.G. Bhai, Ramesh Chandra Pathak

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

1. Heard learned Counsel for the parties and perused the record.

2. The present petition has been filed for the following relief :

(1). Issue a writ, order or direction in the nature of mandamus, commanding the Sub Divisional Officer, Sadar, District-Basti to ensure the compliance of order dated 27.03.1997 passed by the Consolidation Officer by way of proceeding under Section 38 of U.P. Revenue Code pending before the Sub Divisional Officer, Sadar, District-Basti relating to Village-Gota, Tappa-Ganeshpur, Pargana-Nagar Purab, Tehsil-Sadar, District-Basti, within stipulated period to be specified by this Hon'ble Court."

3. The contention of learned Counsel for the petitioner is that petitioner has filed an application under Section 38 of the U.P. Revenue Code, 2006 for correction of records on 19.6.2023 and on the aforesaid application, the respondent no.3 has directed the respondent no.4 to submit a report on 19.06.2023 itself and the proceeding is pending since then.

4. No useful purpose would be served in keeping this petition pending.

5. The writ petition is **disposed of** with a direction to respondent no.3 to decide the application of the petitioner under Section 38 of the U.P. Revenue Code, 2006 expeditiously in accordance with law provided there is no other impediment in deciding the same.

6. From perusal of the writ petition, it is not clear whether the notice had been issued to the respondent no.5 by the respondent no.3. In case, the respondent no.5 has not appeared before the respondent no.3, then the respondent no.3 will ensure presence of respondent no.5 by issuing notices to the respondent no.5 and shall pass order after hearing the petitioner as well as respondent no.5.

Order Date :- 18.10.2023

S. Singh