

Court No. - 39

Case :- WRIT - C No. - 35722 of 2023

Petitioner :- Bhagwan Das

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Ram Pratap Yadav, Phool Singh Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Heard Sri Ram Pratap Yadav, learned counsel for the petitioner; Sri Amardeep Sharma, learned counsel for private respondent no.4 and Sri Mukul Tripathi, learned Standing Counsel for the State-respondents.

2. Earlier, private respondent no.4 had approached this Court by means of Writ - C No. 27797 of 2023 (Mullu Vs. Learned Sub District Magistrate & 4 Ors.). That writ petition was disposed of with the following observation :

"5. In view of the above, present writ petition is disposed of with the observation, the SDM, Charkhari is permitted to recall his order dated 29.08.2023 and proceed in accordance with law in light of the observations made in Writ - C No. 19524 of 2023 (Dr. Virendra Singh Vs. State of U.P. & 8 Ors.), within a period of three weeks from today."

3. Today, it has been stated by learned Standing Counsel and learned counsel appearing for private respondent no.4, in compliance of that order the private respondent had filed a recall application before the SDM, Mahoba on 05.10.2023. On that SDM, Mahoba passed an order dated 28.10.2023 and recalled his earlier order dated 29.08.2023. Further, no order of delegation having been made by the District Magistrate, Mahoba in favour of the SDM, Mahoba to deal with the application of eviction i.e. protection of the property claimed by the respondent no.4, the SDM, Mahoba has further remitted the record to the District Magistrate, Mahoba to pass appropriate orders. That order having been made recently, proceedings are

still pending before the District Magistrate, Mahoba.

4. The present writ petition has been filed by the non-respondent in the original proceedings i.e. son of respondent no.4 against whom relief is being sought in those proceedings. Present petitioner also seeks expeditious disposal of those proceedings.

5. Accordingly, no useful purpose would be served in keeping the present petition pending or calling for a counter affidavit, at this stage. Present writ petition is **disposed of** with a direction upon respondent no.2 to pass appropriate reasoned order on the application made by the respondent no.4 dated 21.11.2022, at an early date after hearing all necessary parties. Such compliance may be ensured preferably within a period of six weeks from today.

6. In the course of the proceeding, it is left open to the District Magistrate, Mahoba to seek amicable settlement between the parties for which he may seek help of the District Legal Services Authority within a period of four weeks.

Order Date :- 9.11.2023

Abhilash

(Shiv Shanker Prasad, J.) (S. D. Singh, J.)