

Court No. - 51

Case :- WRIT - C No. - 36224 of 2023

Petitioner :- Ram Chandra

Respondent :- State Of U.P. And 17 Others

Counsel for Petitioner :- Om Prakash Pandey

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

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Om Prakash Pandey, learned counsel for the petitioner, Mr. Rajesh Kumar Dwivedi, State Law Office for State-respondent and Mr. Azad Rai, learned counsel for respondent No.3 Gram Sabha.

2. The instant public interest litigation has been filed for mandamus directing the respondent no.2 i.e. Sub Divisional Magistrate, Karchchana, District Prayagraj to decide the Case No.0444 of 2019, Computerized Case No.201902030500444 (Ram Chandra Vs. Lallan and others) under Section 116 of U.P. Revenue Code, 2006 within stipulated period.

3. Learned counsel for the petitioner submitted that aforementioned partition suit filed on behalf of petitioner is pending before the respondent No.2 since 29.1.2019. He further placed the certified copy of the order sheet which is annexed as Annexure No.2 in order to demonstrate the case is not proceeding according to the provision contained under Rule 109 (10) of U.P. Revenue Code Rules 2016.

4. Without expressing any opinion on merits of the case and keeping in view of the facts and circumstances, respondent no.2 is directed to conclude the aforementioned partition suit on merits after giving an opportunity of hearing to the parties in accordance with law expeditiously preferably within a period of four months from the date of production of certified copy of this order before him.

5. Accordingly, the writ petition is finally **disposed of**.

Order Date :- 30.10.2023

Md Faisal