

Court No. - 47

Case :- WRIT - C No. - 36061 of 2023

Petitioner :- Ram Prakash

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Maya Ram

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

Hon'ble Manish Kumar Nigam,J.

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

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

"(a) Issue a writ, order or direction in the nature of mandamus directing the respondents to decide the case no. 855 of 2017, computerized case no. 2017200855 Shripal and ohterhs Vs. Ram Prakash under Section 331 (3) of the U.P. Z.A. & L.R. Act expeditiously within a short stipulated period which is pending in the court of Additional Commissioner 1st Prayagraj Division, Prayagraj."

3. Contention of the learned counsel for the petitioner is that against the order dated 07.07.2017 passed by Sub-Divisional Magistrate, Khaga District Fatehpur in suit under Section 229 B an appeal has been filed by the opposite party which is pending since 2017. The petitioner has appeared in the appeal. He prayed that the same may be decided, expeditiously.

4. From perusal of the order sheet, annexed as Annexure No. 3 to the writ petition, it appears that several dates have been fixed by the Court concerned, however, till date, the aforesaid case has not been decided.

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

6. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present petition stands ***disposed of*** finally with a direction to respondent No. 1, Additional Commissioner 1st Prayagraj Division Prayagraj to consider and decide the aforementioned case, in accordance with law, expeditiously, preferably within a period of ***three*** months

from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

Order Date :- 17.10.2023

Vipasha

(Manish Kumar Nigam, J.)