

Court No. - 51

Case :- WRIT - C No. - 36810 of 2023

Petitioner :- Ashwani Mishra

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Praveen Kumar Singh, Riyajuddin Ansari

Counsel for Respondent :- C.S.C, Sudhir Bharti

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner, Mr. S.P. Singh, learned Additional Chief Standing Counsel for the State-respondents and Mr. Sudhir Bharti, learned counsel for the respondent- Gram Sabha.

2. The instant petition has been filed for mandamus directing the respondent no.2 i.e. Additional Commissioner, Administration-III, Gorakhpur Division, Gorakhpur to decide the Appeal No.70/ 19 of 2008, Computerized Case No.C2008050000105) (Ashwani vs. Avadesh and Others), under Section 229B of U.P.Z.A. & L.R. Act within stipulated period.

3. Learned counsel for the petitioner submitted that the aforementioned appeal is pending before respondent no.2 since 2008. He further submitted that the certified copy of order sheet of the case has been annexed as Annexure No.5 to the petition in order to demonstrate that the appeal filed by the petitioner is pending even after expiry of more than 15 years.

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 decide the aforementioned case on merits after giving an opportunity of hearing to the parties in accordance with law expeditiously preferably within a period of two 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 :- 9.11.2023

Rameez