

Court No. - 47

Case :- WRIT - C No. - 35655 of 2023

Petitioner :- Deepak Singh

Respondent :- State Of U.P. And 10 Others

Counsel for Petitioner :- Satyendra Narayan Singh

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

Hon'ble Manish Kumar Nigam,J.

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

2. This writ petition has been filed for following relief:

"(a) Issue a writ order or direction in the nature of mandamus to direct the respondent no. 2 i.e. Court of Sub Divisional Magistrate, Tamkuhiraj, District: Kushinagar to decide the Suit No. T202205440306834 (Pawan Singh and others Vs. Deepak Singh and others) expeditiously within the time as prescribed by this Hon'ble Court.

(b) Issue a writ order or direction in the nature of mandamus directing the Court below i.e. the Court of Sub Divisional Magistrate, Tamkuhiraj, District Kushinagar to decide the application for recalling the order dated 01.08.2022/Stay Vacation Application filed by the petitioner within the time as stipulated by this Hon'ble Court."

3. Contention of learned counsel for the petitioner is that an application has been moved by the petitioner for recalling the order dated 01.08.2022 on 21.09.2022, which is pending and no orders has been passed by the respondent.

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

5. 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. 2 Sub Divisional Magistrate, Tamkuhiraj, District- Khushinagar to consider and decide the aforementioned case, in accordance with law, expeditiously, preferably within a period of two 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 :- 2.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)