

Court No. - 47

Case :- WRIT - C No. - 35961 of 2023

Petitioner :- Smt. Aqeela Begum And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Krishna Kumar Singh

Counsel for Respondent :- CSC, Arun Kumar Pandey

Hon'ble Manish Kumar Nigam, J.

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

2. In compliance of the order dated 1.11.2023, passed by this Court, Mr. Sunil Kumar Dhanwant, Joint Magistrate has put in appearance before this Court today.

3. This writ petition has been filed seeking following relief :-

"issue a writ, order or direction in the nature of MANDAMUS directing the Additional City Magistrate (II) Moradabad to implead the petitioners in the array of parties as respondents in Case No.8688 of 2022 (Ganga Saran vs. Gram Sabha Hasampur Gopal, Tehsil and District Moradabad)."

4. Contention of learned counsel for the petitioners is that petitioner moved an impleadment application which was not taken by the respondents authorities in Case No.8688/2022 (Ganga Saran vs. Gram Sabha Hasampur Gopal, Tehsil and District Moradabad).

5. Learned Standing Counsel submits that application of the petitioners is dated 18.5.2023 whereas the present Officer has joined the post on 18.10.2023 and, therefore, is not in a position to explain that how the application was not taken on record. It has been further submitted that in case, petitioners move a fresh application for impleadment, the same will be considered, in accordance with law.

6. In view of the statement made by learned Standing Counsel, on the instructions received from Mr. Sunil Kumar Dhanwant, Joint Magistrate, the writ petition is finally **disposed of** with liberty to the petitioners to move an appropriate impleadment application within three weeks from today and in case, such application is moved, the same shall be considered by the authority concerned after providing

opportunity of hearing to all the concerned parties provided there is no other legal impediment.

Order Date :- 20.11.2023
Rishabh

[Manish Kumar Nigam, J.]