

Court No. - 51

Case :- WRIT - C No. - 36167 of 2023

Petitioner :- Sunita Devi

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Amar Nath Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Amar Nath Tiwari, learned counsel for the petitioner, Mr. Rajesh Kumar Dwivedi, State Law Office for State-respondent.

2. The instant petition has been filed for mandamus directing the respondent no.2 i.e. Sub Divisional Officer, Deoria, to decide the Appeal No.T202305200104344 (Manoj Kumar Dwivedi vs. Vipin Kumar & Others) pending under Section 35(2) of U.P. Revenue Code, 2006, within stipulated period.

3. Learned counsel for the petitioner submitted that mutation order under Section 34 of U.P. Revenue Code, 2006 was passed in favour of petitioner against which appeal under Section 35(2) of U.P. Revenue Code, 2006 was filed before Sub Divisional Officer which is pending since 3.4.2023. He further placed the copy of order sheet of the pending appeal which has been annexed as Annexure No.5 to the writ petition in order to demonstrate that case is not proceeding expeditiously.

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 proceeding of pending appeal on merits after giving an opportunity of hearing to the parties in accordance with law expeditiously preferably within a period of three 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