

Court No. - 52

Case :- WRIT - C No. - 36635 of 2023

Petitioner :- Meraj

Respondent :- State Of U.P. And 13 Others

Counsel for Petitioner :- Harish Kumar Tripathi

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

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Harish Kumar Tripathi, learned counsel for petitioner and learned Standing Counsel for the State-respondents.

2. Present writ petition has been filed seeking a direction in the nature of mandamus to be issued in favour of the respondent no.2 to decide partition suit no. 3457/2022, Computerized Case No. T202205310303457 (Meraj vs. Raj Kishor and others), under Section 116 of U.P. Revenue Code, 2006 expeditiously and also maintain interim order dated 23.02.2022 till the disposal of the partition suit.

3. Learned counsel for petitioner submits that grievance of petitioner would sufficiently be met in case, the aforesaid partition suit and application for stay extension dated 14.08.2023 is considered and decided in a time bound manner by respondent no. 2.

4. Learned Standing Counsel submits that no useful purpose would be served in keeping the writ petition pending and an appropriate direction may be issued to respondent no.2 to consider the grievance of the petitioner.

5. Be that as it may, without entering into the merits of the case as well as if there is no other legal impediment available, the respondent no.2 is hereby directed to consider and decide application dated 14.08.2023 preferred by petitioner for stay extension in partition suit no. 3457 of 2022 preferably within a period of one month and decide partition suit no. 3457/2022, Computerized Case No. T202205310303457 (Meraj vs. Raj Kishor and others), under Section 116 of U.P. Revenue Code, 2006, as expeditiously as possible, preferably

within a period of nine months from the date of production of certified copy of this order, after affording proper opportunity of hearing to all the parties.

6. With the aforesaid directions, the writ petition stands **disposed of**.

Order Date :- 1.11.2023

Shaswat