

Court No. - 47

Case :- WRIT - C No. - 36724 of 2023

Petitioner :- Karam Chan

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Saroj Kumar Yadav, Abhishek Yadav

Counsel for Respondent :- CSC, Bhupendra Kumar Tripathi

Hon'ble Manish Kumar Nigam, J.

1. This writ petition has been filed with the following prayer:-

"(i) Issue, a writ, order or direction in the nature of mandamus, directing the respondent no.3/Additional Commissioner (Judicial-1) Varanasi Division, Varanasi to consider and decide the stay application dated 23.06.2023 filed in Appeal No.1305/ 2023, Computerized Case No.C-202314000001305 (Karam Chand Vs. Gaon Sabha), pending since 23.06.2023, within a stipulated period, fixing some short date, if possible within a week and further direction may kindly be issued to maintain status quo over Arazi No.297 within a week and further direction may kindly be issued to maintain status quo over Arazi No.297 situate at Village-Jarrow, Pargana-Anguli, Tehsil- Shahganj, District-Jaunpur.

(ii) Issue a writ, order or direction in the nature of mandamus, directing the respondent no.3 to decide the appeal at the earliest, if possible within three months."

2. The contention of the learned counsel for the petitioner is that the earlier, petitioner has approached this Court by means of Writ-C No.5444 of 2023 (Karam Chand Yadav Vs. State of U.P., and 7 others), which has been disposed by this Court vide order dated 02.03.2023 directing to decide the application under Section 38(1) of U.P. Revenue Code, 2006 filed by the petitioner and further directed that till the conclusion of the proceedings under Section 38(1) of the U.P. Revenue Code, 2006, the petitioner shall not be dispossessed from plot No.297 , area 0.283 hectare, village Jarrow, Police Station-Sarai Khwaja, Tehsil- Shahganj, District- Jaunpur. He further contended that vide order dated 30.5.2023, the application under Section 38(1) of U.P. Revenue Code, 2006 has been dismissed against the same, the petitioner has preferred an appeal before the Additional Commissioner (Judicial-I), Varanasi Division, Varanasi, and the same has been admitted on 26.07.2023, but no order has been passed upon the application filed for interim relief.

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

4. 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. 3 to consider and decide the application for interim relief, in accordance with law, expeditiously, preferably within a period of six weeks 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.

5. Till the decision on the interim application, the parties are directed to maintain status quo.

Order Date :- 26.10.2023

Pravesh Mishra