

Court No. - 51

Case :- WRIT - C No. - 37739 of 2023

Petitioner :- Sant Lal And 5 Others

Respondent :- Up-Ziladhikari Phoolpur And 18 Others

Counsel for Petitioner :- Virendra Kumar Yadav

Counsel for Respondent :- C.S.C.,Azad Rai

Hon'ble Chandra Kumar Rai,J.

1. Heard Counsel for the petitioners, Mr. Rajesh Kumar Dwivedi, learned State Law Officer for State-respondents and Mr. Azad Rai, Counsel for respondent no. 2, Gaon Sabha.

2. The instant writ petition has been filed praying for a mandamus directing respondent No.1, Upziladhikari, Phoolpur, Allahabad to decide the case No. 1290 of 2016 under Section 116 of U.P. Revenue Code, 2006, Santlal and Others Vs. Raj Karan and Others within stipulated period.

3. Counsel for the petitioners submitted that the aforesaid partition suit filed at the instance of the petitioners is pending before respondent no.1 even after expiry of more than 9 years. He further place the certified copy of the order sheet which has been annexed as Annexure No. 2 to the writ petition in order to demonstrate that matter is not proceeding according to the provisions contained under Rule 109 (10) of the U.P. Revenue Code, Rules 2016.

4. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the present petition stands **disposed of** finally with a direction to respondent No.1, Upziladhikari, Phoolpur, Allahabad to consider and decide the aforementioned partition suit in accordance with law expeditiously and preferably within a period of **three months** from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties.

Order Date :- 1.11.2023

Vandana Y.