

Court No. - 47

Case :- WRIT - C No. - 37682 of 2023

Petitioner :- Mahesh Kumar

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

Counsel for Petitioner :- Vikas Rastogi, Anoop Kumar
Sharma, Santosh Prajapati

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

Hon'ble Manish Kumar Nigam, J.

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

2. The instant writ petition has been filed seeking following relief :-

"i) issue a writ, order or direction in the nature of mandamus directing the respondent no.3 (Sub Divisional Magistrate, Manjhanpur, Kaushambi) to decide the Case No.T202302420301755 of 2023 (Mahesh Kumar vs. Gaon Sabha and others) within the stipulated time or within the time which this Hon'ble Court may deem fit under the facts and circumstances of the case.

ii) issue a writ, order or direction in the nature of mandamus directing the respondents not to interfere in peaceful possession of the Petitioner upon the land in dispute Gata no.40 area 0.171/0.388 hectare adversely occupied by the petitioner for last 20 years situated in village - Mohiuddinpur Devchhar, Pargana - Karari, Tehsil - Manjhanpur, District - Kaushambi.

iii) issue a writ, order or direction in the nature of mandamus directing the not to erect the construction of over head tank over the land in dispute Gata no.40 area 0.171/0.388 hectare occupied by the petitioner for last 20 years, situated i village - Mohiuddinpur, Devchhar, Pargana - Karari, Tehsil - Manjhanpur, District - Kaushambi till the disposal of the Case No. T202302420301755 of 2023 (Mahesh Kumar vs. Gaon Sabha and others), under section 144 of U.P. Revenue Code pending before the respondent no.3 (in the court of learned Sub Divisional Magistrate, Manjhanpur, Kaushambi)"

3. Contention of learned counsel for the petitioner is that in a suit u/s 144 of U.P. Revenue Code, 2006, petitioner has moved an application for urgent hearing on 13.10.2023 with a prayer that the respondents be restrained from raising construction over the land in dispute. The aforesaid application of the petitioner is pending since then. It is further contended that parties in the suit are the State of U.P. and Gaon Sabha.

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

5. 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 - Sub Divisional Magistrate, Manjhanpur, Kaushambi, to consider and decide the application for interim relief, filed by the petitioner, in accordance with law, expeditiously, preferably within a period of **one month** 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 there is no other legal impediment.

Order Date :- 1.11.2023

Rishabh

[Manish Kumar Nigam, J.]