

**Court No. - 47**

**Case :-** WRIT - C No. - 37575 of 2023

**Petitioner :-** Smt. Leelavati

**Respondent :-** State Of U.P. And 6 Others

**Counsel for Petitioner :-** Suresh Kumar Gupta, Shubhang Shukla

**Counsel for Respondent :-** C.S.C., Deepak Gaur

**Hon'ble Manish Kumar Nigam, J.**

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

2. The present petition has been filed for the following relief:

*"Issue a writ, order or direction in nature of mandamus to direct the respondent no. 2 to give effect of partition decree dated 07.09.2022 in revenue record and gave possession of partitioned land to petitioner by demarcation through Pathar Nasab as provided under L.R. Manual, as early as possible."*

3. The contention of learned counsel for the petitioner is that after a decree dated 07.09.2022 passed in proceedings under Section 176 of U.P.Z.A. & L.R. Act, an execution application has been moved by the petitioner under Order 21 Rule 11 C.P.C. on 19.11.2022 and the same is pending and has not been decided.

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

6. 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. 2- Sub- Divisional Magistrate, Lalitpur, District- Lalitpur, to consider and decide the execution application filed by the petitioner, in accordance with law, expeditiously, preferably within a period of three months 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.

**Order Date :-** 1.11.2023

Nitika Sri.

**(Manish Kumar Nigam, J.)**