

Court No. - 47

Case :- WRIT - C No. - 38629 of 2023

Petitioner :- Abdul Kayyum

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

Counsel for Petitioner :- Mahboob Ahmad Siddiqui, Faizul Hasan

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

1. Learned Counsel for the petitioner is permitted to add the S.D.M., Sambhal, District-Moradabad as respondent no.5 in the writ petition during the course of the day.

2. Heard learned Counsel for the parties and perused the record.

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

"1. Issue a writ order, rule or direction in the nature of certiorari quashing the order dated 31.5.2023 passed by respondent no.2 (Annexure No.5).

2. Issue a writ, order, rule or direction in the nature of mandamus directing the respondents not to alienate and changed the nature of property in question."

4. Contention of learned Counsel for the petitioner is that by an order dated 1.4.2023 in appeal under Section 35(2) of the U.P. Revenue Code, 2006, an interim order was granted in favour of the petitioner. Against the aforesaid order, a revision was filed by the respondent nos.3 & 4 and the order has been set aside and the matter has been remanded on the ground that the order dated 1.4.2023 in favour of the petitioner was passed without providing an opportunity of hearing to the respondent nos.3 and 4.

5. Since the matter has already been remanded, no useful purpose would be served in keeping this petition pending

6. In the interest of justice, respondent no.5 may pass a reasoned order on the application for interim injunction moved by the petitioner after hearing all the parties concerned in accordance with law within a period of three weeks from the date of certified copy of this order.

7. With these observations, the writ petition stands **disposed of**.

Order Date :- 8.11.2023

S. Singh