

Court No. - 47

Case :- WRIT - C No. - 37567 of 2023

Petitioner :- Harischandra Alias Harichandra Rai

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

Counsel for Petitioner :- Rajiv Kumar Mishra

Counsel for Respondent :- C.S.C., Rameshwar Prasad Shukla

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:

"i) to issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no. 2 to decide the Stay Application filed in Appeal No. Nil of 2023 (Harishchandra Vs. Tehsildar, Sagadi and others) pending before the District Magistrate, Azamgarh against the order dated 04.10.2023 passed by Tehsildar/ Assistant Collector, Tehsil Sagadi, District- Azamgarh and till then the respondent no. 3 may be directed not to take any coercive action and not to evict the petitioner and not to realize damages/compensation from the petitioner and not to interfere in peaceful possession of the petitioner."

3. Learned counsel for the petitioner contended that against the order dated 04.10.2023 passed by respondent No. 3 in proceedings under Section 67 of the Act, an appeal has been filed along with an application for interim relief, which is pending. In the meantime, the respondents are trying to demolish the construction raised by the petitioner and has already issued a notice for demolition.

4. Consider the facts and circumstances of the case, I am of the view that no useful purpose would be served in keeping this writ petition pending. The respondent no. 2- District Magistrate, District- Azamgarh is directed to decide the appeal of the petitioner expeditiously, preferably within a period of three months from today 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. For a period of three months or till disposal of the appeal, the

petitioner will not be evicted from the property in dispute.

6. With these observations, the writ petition is **disposed of**.

Order Date :- 1.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)