

Court No. - 39

Case :- WRIT - C No. - 37867 of 2023

Petitioner :- Shyam Babu Srivastava

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Arun Kumar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. On the last date, we had passed the below quoted order :

"1. Shri Mukul Tripathi, learned Additional Chief Standing Counsel prays for and is granted ten days time to obtain written instructions why the order dated 25.9.2019 passed in Case No. 4/18/2019 (Shyam Babu Srivastava vs Dr. Umesh Kumar Srivastava) has yet not been complied. Written instructions would also reveal the reasons for the delay as also legal impediment, if any, in the implementation of that order.

2. Meanwhile, if there is no legal impediment, it is left open to the respondent authorities to ensure due compliance of the above noted order.

3. Put up as fresh on 23 November 2023."

2. Today, learned Additional Chief Standing Counsel informs, against the order dated 25.09.2019 passed by respondent no.3 in Case No. 4/18/2019 (Shyam Banu Srivastava Vs. Dr. Umesh Kumar Srivastava), private respondent has filed appeal before the District Magistrate, Farrukhabad being Appeal No. 12 of 2023 (Dr. Umesh Kumar Srivastava Vs. State of U.P.). Next date fixed in the appeal proceeding is 08.12.2023. However, it is not clear if there is interim order operating in the said appeal.

3. Learned counsel for the petitioner states, no stay order has been granted in the above appeal.

4. In view of the facts noted above, no useful purpose would be served in keeping the present petition pending or calling for a counter affidavit, at this stage.

5. Without entering into the merits, present writ petition is **disposed of** with the observation, the appeal proceeding (noted

above) may be concluded as expeditiously as possible, preferably within a period of one month from today. In any case, if the respondent delays in the appeal proceeding, execution of the order may be made within a period of one month, subject to the petitioner cooperating in the appeal proceedings.

Order Date :- 23.11.2023
Abhilash

(Shiv Shanker Prasad, J.) (S. D. Singh, J.)