

Court No. - 47

Case :- WRIT - C No. - 38343 of 2023

Petitioner :- Gufran Ahmad Shaikh

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Lavlesh Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

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

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

"i) issue, a writ, order or direction in the nature of mandamus commanding the respondent no.2 and 3 to ensure the strict compliance of the status quo order dated 25.09.2023 passed in Case No.T202315090703286 of 2023 (Gufran Ahmad Shaikh Vs Yasmien and others) pending in the Court of Sub Divisional Magistrate Belthara Road Ballia Under Section 116 of Uttar Pradesh Revenue Code.

ii) issue, a writ, order or direction in the nature of mandamus commanding the respondent no.2 to decide the pending Case No.T202315090703286 of 2023 (Gufran Ahmad Shaikh Vs. Yasmien and others) pending in the Court of Sub Divisional Magistrate Belthara Road Ballia Under Section 116 of Uttar Pradesh Revenue Code within stipulated period as may be fixed by this Hon'ble Court.

iii) issue, a writ, order or direction in the nature of mandamus commanding the respondent no.1 to 6 to initiate action against respondent no.4 & 5 strictly in accordance with the Government Order dated 01.05.2017."

3. Learned Standing Counsel has raised a preliminary objection that relief no.(i) cannot be granted to the petitioner in view of the judgment of passed by the Division Bench of this Court in **Manbhavati vs. State of U.P. and others; 2020 1 AWC 789A** as well as in **Writ C No. 7863 of 2018 (Brij Bhushan Rai v. State of U.P. and 6 others)** holding that writ petition is not maintainable for enforcement/execution of orders passed by the Revenue Court.

So far as relief no.(ii) is concerned, learned Standing Counsel has no objection in case proceedings u/s 116 of the

U.P. Revenue Code, 2006 be decided expeditiously.

4. It is informed by learned counsel for the petitioner that opposite party has appeared before the Court below in the proceedings. He prayed that the aforesaid case may be decided expeditiously.

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

6. In view of the above, this writ petition is finally **disposed of** with a direction to respondent No.2 - Sub-Divisional Magistrate, Tehsil - Soraon, District - Ballia, to consider and decide the aforesaid pending case, in accordance with law, expeditiously, after providing opportunity of hearing to all the concerned parties provided there is no other legal impediment.

Order Date :- 4.12.2023
Rishabh

[Manish Kumar Nigam, J.]