

Court No. - 51

Case :- WRIT - C No. - 39711 of 2023

Petitioner :- Gulab

Respondent :- Sub Divisional Magistrate And 9 Others

Counsel for Petitioner :- Ganesh Shankar Dubey

Counsel for Respondent :- C.S.C.,Azad Rai

Hon'ble Chandra Kumar Rai,J.

1. Heard Counsel for the petitioner, Mr. Govind Kumar Saxana, learned Additional Chief Standing Counsel for the State-respondents and Mr. Azad Rai, Counsel for respondent no.5, Gram Panchayat.

2. In compliance of the order dated 20.11.2023, instruction dated 2.12.2023 sent by Sub Divisional Officer, Meja, District- Prayagraj has been placed before the Court which is taken on record.

3. Mr. Govind Kumar Saxana, learned Additional Chief Standing Counsel for the State-respondents on the basis of instruction submitted that writ petition arises out of proceeding under Section 176 of the U.P.Z.A. and L.R. Act in which preliminary decree was passed on 20.6.2002/ 4.2.2002. He further submitted that defendant No.2- Munshi Lal filed an application accordingly Sub Divisional Officer on the application of the defendant No.2 passed an order setting aside the order dated 20.6.2002/ 4.2.2002. He further submitted that on 28.1.2008 in the absence of the defendant, the opportunity to file objection has been closed and the matter is proceeding before the Court. He further submitted that some of the parties to the suit have died accordingly substitution application has been filed on which the notice has been issued and next date fixed in the proceeding is 8.12.2023. He further submitted that proceeding which is pending for the last more than 22 years shall be decided on day to day basis.

4. Considering the facts and circumstances mentioned in the instruction, the instant petition is finally **disposed of** directing the respondent no.1, Sub Divisional Magistrate, Meja, District Allahabad to decide the aforementioned partition suit expeditiously after affording opportunity of hearing to the parties as mentioned in the instruction dated 2.12.2023 within period of **three months** from the date of production of certified copy of this order.

Order Date :- 4.12.2023

Vandana Y.