

Court No. - 47

Case :- WRIT - C No. - 38409 of 2023

Petitioner :- Jawahir Prajapati

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

Counsel for Petitioner :- Manoj Kumar

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 :-

"a writ, order or direction in the nature of mandamus commanding the respondent no.2 to decide the Stay Application dated 18.9.2023 filed in Appeal No. 1529 of 2023, Computerized No. C20235000001529 (Jawahir Prajapati Versus Smt. Amarawati and others), expeditiously within time bound period which may be fixed by this Hon'ble Court and stay the effect and operation of the order dated 12.09.2023 passed by the respondent no.3 in Computerised Case No. T-201805440601644 (Jawahir Versus Smt. Amarwati & others) till the disposal of the Stay Application dated 18.09.2023 filed in Appeal No.1529 of 2023, Computerized No.C20235000001529 (Jawahir Prajapati Versus Smt. Amarawati and others)."

3. Contention of learned counsel for the petitioner is that against the order passed u/s 134 of the U.P. Revenue Code, 2006, an appeal has been filed by the petitioner which is pending consideration before respondent No.2. It has been further contended by learned counsel for the petitioner that along with the appeal, petitioner has filed stay application and no orders have been passed by respondent no.2 on the aforesaid application till date and there is a threat of eviction to the petitioner as the next date fixed in the matter is 22.11.2023.

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

5. In view of the above, this writ petition stands **disposed of** with a direction to respondent No.2 Commissioner, Gorakhpur Division, Gorakhpur to consider and decide the stay application dated 18.9.2023 on the next date fixed i.e. 20.11.2023 and in case, due to some unavoidable circumstances, the same is not possible, respondent No.2 may decide the stay application within 15 days thereafter after giving opportunity of hearing to all the concerned parties provided there is no other legal impediment.

Order Date :- 7.11.2023

Rishabh