

Court No. - 47

Case :- WRIT - C No. - 38567 of 2023

Petitioner :- Rajesh Chaudhary

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ashok Kumar Dwivedi

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and perused the record.

2. The instant writ petition has been filed for following relief:

"(i) Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to decide/conclude the proceeding filed by the petitioner under Section 207 of U.P. Revenue Code, 2006 being case no. D202317650000668 (Rajesh Chaudhary Vs. State of U.P.) within a stipulated period fixed by this Hon'ble Court and since then no coercive action be taken against the petitioner.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents not to dispossess the petitioner from the arazi no. 333 area 0.063 hectare over which the petitioner has constructed building and residing therein and the appurtenant thereto is also in his possession prior to Zamindari Abolition."

3. Contention of the learned counsel for the petitioner is that an order dated 18.05.2018 has been passed against the petitioner in proceedings under Section 67 of U.P. Revenue Code, 2006. Against the aforesaid order, the petitioner has filed an appeal No. D202317650000668 under Section 207 of U.P. Revenue Code, 2006 and the same is pending. It is further contended by learned counsel for the petitioner that during the pendency of the appeal, the petitioner has directed to handover the possession of the land in dispute.

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

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present

petition stands disposed of finally with a direction to respondent No. 2/District Magistrate, District Sant Kabir Nagar to consider and decide the aforementioned appeal, in accordance with law, expeditiously, preferably within a period of **three months** from the date of production of a certified copy of this order 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.

6. Till the decision of the appeal, the parties are directed to maintain status quo.

Order Date :- 20.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)