

Court No. - 47

Case :- WRIT - C No. - 38679 of 2023

Petitioner :- Ram Mani Shukla

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Girish Chandra Maurya

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

Hon'ble Manish Kumar Nigam, J.

1. Learned counsel for the petitioner is permitted to delete the respondent no. 4 in the array of parties during course of the day.
2. Heard learned counsel for the petitioner, learned Standing Counsel for the State and perused the record.
3. The instant writ petition has been filed for following relief:

"A. Issue a writ of mandamus directing the Respondent no. 2 to remove the obstacle from public road/Chakmarg Gata No. 751 and 755 and open the path and take appropriate action against the persons who has encroached the same.

B. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to decide the case no. 10246 of 2022 (Computerized No. T202217140110246) (Ram Mani Vs. Ram Surat and others), under Section 26 of U.P. Revenue Code, 2006, pending since 1.11.2022 before the court of respondent no. 2."
4. Learned counsel for the petitioner states that opposite party appeared before the court below but the proceedings are still pending and are not decided.
5. No useful purpose would be served in keeping this petition pending.
6. 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 Tehsildar, Harraiya, District Basti to consider and decide the aforementioned case, in accordance with law, expeditiously, preferably within a period of **two 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.

Order Date :- 5.12.2023

Ved Prakash