

Court No. - 51

Case :- WRIT - C No. - 39365 of 2023

Petitioner :- Manorama Devi

Respondent :- State Of U.P. And 13 Others

Counsel for Petitioner :- Akhilesh Kumar Pandey

Counsel for Respondent :- C.S.C.,Sudhir Bharti

Hon'ble Chandra Kumar Rai,J.

1.Heard learned counsel for the petitioner, Mr. Amit Singh, learned Standing Counsel for the State-respondents.

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

(a) Issue a writ, order or direction in the nature of writ of mandamus directing the respondent no. 2 to evict the respondent no. 5 to 14 from the disputed gates no. 511 area 0.36 hectare situated at Village Ahirauli, Tappa-Batesara, Paragana-Sidhua Jobna, Tehsil Khadda, District Kushinagar, which has illegally encroached by the respondent no. 5 to 14 and for which the petitioner filed a Suit No. 305 of 2015 Computerized Case No. T20140544014556 (Smt. Manorama Devi and others vs. Jai Shree and others) which is pending before the respondent no. 2 since 23.04.2015.

(b) issue any other writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case.

(c) award the cost of the writ petition to the petitioner.

3. Learned counsel for the petitioner submitted that the proceedings under Section 209 of U.P.Z.A.&LR Act has been remanded back in revision under Section 333 of U.P.Z.A.&L.R. Act vide order dated 03.05.2023 and in pursuance to the remand order dated 03.05.2023, the proceeding is pending before Sub Divisional Officer. He further submitted that proper direction be issued for expeditious disposal of the proceeding under Section 209 U.P.Z.A.&L.R. Act within stipulated period. He further submitted that the proceeding under Section 209 U.P.Z.A.&L.R. Act was initiated in the year 2015 which is still pending.

4. Considering the the facts and circumstances of the case, the writ petition is finally **disposed of** with a direction to respondent No.2/ Sub Divisional Magistrate, Tehsil Khadda, District Kushinagar to conclude the proceedings under Section 209 of U.P.Z.A.&L.R. Act in pursuance to the remand order dated 03.05.2023 in accordance with law expeditiously and preferably within a period of three months from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties.

Order Date :- 16.11.2023

Manoj