

Court No. - 47

Case :- WRIT - C No. - 38713 of 2023

Petitioner :- Krishna Alias Krishnananda

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

Counsel for Petitioner :- Rajiv Kumar Mishra

Counsel for Respondent :- C.S.C., Rameshwar Prasad Shukla

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

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

"to issue, a writ, order or direction in the nature of mandamus commanding and directing the respondent no.2 to decide the Stat Application filed in Appeal No. Nil of 2023 (Krishna Vs. Tehsildar, Sagadi and others) pending before the District Magistrate, Azamgarh against the Order dated 04.10.2023 passed by the Tehsildar/Assistant Collector, Tehsil Sagadi, District Azamgarh and till then the respondent no.3 may be directed not to take any coercive action and not to evict the petitioner and not to realize damages/compensation from the petitioner and not to interfere in peaceful possession of the petitioner."

3. Contention of learned counsel for the petitioner is that an order has been passed on 4.10.2023 against the petitioner in proceedings u/s 67 of the U.P. Revenue Code, 2006 against which an appeal has been filed along with stay application by the petitioner on 25.10.2023 which is pending consideration. Learned counsel for the petitioner further states that despite appeal and stay application of the petitioner is pending, respondents are going to demolish the constructions of the petitioner.

4. Learned Standing Counsel has pointed out that since stay application and appeal of the petitioner is pending, the same may be directed to be decided by the concerned authorities.

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 - District Magistrate, Azamgarh, to consider and decide the aforesaid appeal 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 there is no other legal impediment.

7. Till the decision of the aforesaid appeal, parties are directed to maintain *status quo*.

Order Date :- 8.11.2023

Rishabh

[Manish Kumar Nigam, J.]