

Court No. - 51

Case :- WRIT - C No. - 41378 of 2023

Petitioner :- Smt. Geeta Devi

Respondent :- State Of U.P. And 14 Others

Counsel for Petitioner :- Sohit Prakash Sharma, Satya Prakash Sharma

Counsel for Respondent :- C.S.C., Ashutosh Pandey

Hon'ble Chandra Kumar Rai, J.

1. Learned counsel for the petitioner is permitted to implead- Additional Commissioner (Judicial), Agra Mandal, Agra as respondent no.16 in the array of the parties to the writ petition during course of the day.

2. Heard Mr. Sohit Prakash Sharma, learned counsel for the petitioner, Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents and Mr. Ashutosh Pandey, learned counsel for the respondent no.10.

3. The instant petition has been filed for the following relief:

"i. issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to decide the Appeal No.C202301000000606, Case No.606/ 2023, Geeta Devi vs. Prakash Chandra and Others, under Section 24 (4) along with under Section 207 of U.P. Revenue Code, 2006, Police Station - Jagner, Tahsil- Kheragarh, District- Agra expeditiously if possible within three months or as within a specified period of time which may be prescribed by this Hon'ble Court and this Hon'ble Court also direct the respondents to maintain status quo in the land in dispute till the disposal of the stay application dated 18.4.2023 otherwise the petitioner shall suffer irreparable loss and injury."

4. Learned counsel for the petitioner submitted that in Appeal No.606 of 2023 filed under Section 24 (4) of U.P. Revenue Code, 2006 at the instance of the petitioner, an application for extension of interim order is pending before respondent no.2. He further submitted that appropriate direction be issued for the disposal of the pending stay extension application dated 3.7.2023.

5. Mr. Ashutosh Pandey, learned counsel for respondent no.10 submitted that Writ- C No.38947 of 2023 filed by respondent no.10 has already been decided by this Court vide order dated 8.11.2023 by which respondent no.16 i.e. Additional Commissioner (Judicial), Agra Mandal, Agra was directed to decide the aforementioned Appeal No.606 of 2023 within three months, as such, no further direction is required and writ petition is liable to be dismissed.

6. I have considered the argument advanced by learned counsel for the parties and perused the records.

7. There is no dispute about the fact that this Court has already ordered on 8.11.2023 in Writ- C No.38947 of 2023 for deciding the Appeal No.606 of 2023 within three months.

8. Since, the petitioner is praying for the disposal of his pending stay extension application, as such, interest of justice requires that all the pending applications in the proceedings be disposed of before deciding the proceedings on merit.

9. Considering the entire facts and circumstances, respondent no.16 i.e. Additional Commissioner (Judicial), Agra Mandal, Agra is directed to decide the petitioner's stay extension application before deciding the pending appeal on merit in accordance with law.

10. With the above observations, the writ petition is finally ***disposed of.***

Order Date :- 14.12.2023

Rameez