

Court No. - 47

Case :- WRIT - C No. - 39089 of 2023

Petitioner :- Narendra Kumar And Another

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Amit Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

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

2. This writ petition has been filed for following relief:

"(i) a writ, order or direction in the nature of Certiorari to quash the impugned order dated 18.08.2023 passed by the respondent no. 2 in Revision No. 1316/2023 (Narendra Kumar Vs. Nagar Palika Parishad and others) [Annexure-7 to writ petition]

(ii) a writ, order or direction in the nature of Mandamus commanding the respondent no. 2 to decide the stay application filed along with Revision No. 1316/2023 [Computer Case No. C202311000001316] (Narendra Kumar Vs. Nagar Palika Parishad and others), pending before him expeditiously."

3. Brief facts of the case is that predecessor in interest of respondent no. 6 namely Chandra Prakash was recorded tenure holder of Gata No. 2390, area 0-5-6, situated at Nagar Palika Parishad, Sardhana, District Meerut and after his death name of his wife Smt. Shail Prakash was recorded in the revenue records. By an order dated 01.03.2000, passed by Collector Meerut Gata No. 2390 was directed to be recorded in the name of Nagar Palika Parishad, Sardhana, Meerut. Against the order dated 01.03.2000, a revision No. 94/2013-14 was filed by respondent no. 6 and the same was allowed by order dated 28.10.2015 passed by Additional Commissioner Meerut Mandal Meerut/respondent no. 2 and the order dated 01.03.2000 passed by Collector was set aside and the matter was remanded to the respondent no. 3 to pass fresh orders after affording opportunity of hearing to the revisionist/respondent no. 6. After the remand, a sale deed was executed by the respondent no. 6 in favour of the petitioner of the property in dispute. After the remand, order dated 11.07.2023 was passed by District Magistrate/Collector Meerut/respondent no. 3 directing for recording Khasra No. 2390 in the name of Nagar Palika Parishad. Against the aforesaid order, a revision No. 36/2023 has been filed by the petitioner no. 1 before the respondent no. 2 on 08.08.2023 along with stay application. By order dated 18.08.2023, a revision filed by the petitioner has been admitted but no orders have been passed in the stay application. Over the property in dispute, the petitioner has constructed a house.

4. Contention of the learned counsel for the petitioner is that in case of **Mool Chand Yadav and another v. Raja Buland Sugar Company Ltd., Rampur and others** reported in **1983 (9) ALR 403**, the Apex Court has held that where orders are challenged in appeal which orders have serious civil consequences, the judicial approach required that during the pendency of the appeal, operation of order should be suspended more so, when appeal had been admitted.

5. Since the revision has been admitted by the revisional court and the stay application is pending, no useful purpose would be served in keeping this petition pending.

6. It would be appropriate that respondent no. 2 may consider and decide the stay application filed by the petitioner, in accordance with law, expeditiously, preferably within a period of one month 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.

7. Till disposal of the stay application, the parties are directed to maintain status quo.

8. With the aforesaid direction, this writ petition is disposed of.

Order Date :- 8.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)