

Court No. - 47

Case :- WRIT - C No. - 39081 of 2023

Petitioner :- Smt. Manorama Sharma And 2 Others

Respondent :- Commissioner Azamgarh And 12 Others

Counsel for Petitioner :- Pramod K. Gupta

Counsel for Respondent :- C.S.C., Rameshwar Prasad Shukla, Satyendra Pratap Singh, Yogesh Kumar Pandey

Hon'ble Manish Kumar Nigam, J.

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

2. The present petition has been filed for the following relief :

"1. To issue a writ, order or direction in the nature of mandamus commanding the respondent no.1 to expedite the application for interim relief dated 22.07.2023 preferred by the petitioners in their Appeal No.1009 of 2023 (Computer no. C202315000001009) (Smt. Manorama Sharma and others Vs. Gurusaran Singh and others) filed under Section 24(4) of the U.P. Revenue Code, 2006 presently pending before the Commissioner, Azamgarh Division, Azamgarh within some specified period to which this Hon'ble Court may deem fit otherwise the petitioners shall suffer irreparable and immense injuries.

2. To issue a writ order or direction in the nature of mandamus, commanding the respondents not to interfere in the peaceful possession of the petitioners over their house/plot no.529 situated in Village-Kol Baj Bahadur, Pargana-Nizamabad, Tehsil-Sadar, District Azamgarh maintaining status quo during the pendency of petitioner's Appeal No.1009 of 2023 (computer no.C202315000001009) (Smt. Manorama Sharma and others Vs. Gurusaran Singh and others)."

3. Contention of learned Counsel for the petitioners is that against an order dated 30.6.2023 passed under Section 24 of the U.P. Revenue Code, 2006, the petitioners have preferred an appeal before the Commissioner, Azamgarh Division, Azamgarh along with stay application for staying the operation of order dated 30.6.2023. The aforesaid application is pending since 22.7.2023. It has been informed by learned Counsel for the petitioners that the next date fixed in the appeal is 26.12.2023.

4. Sri Yogesh Kumar Pandey, learned Counsel for respondent no.6 has submitted that he is a subsequent purchaser from the respondent nos.3, 4 and 5.

5. No useful purpose would be served in keeping this petition pending.

6. As Sri Yogesh Kumar Pandey, Advocate has appeared for respondent no.6, who is now main contesting party, is present before this Court and has knowledge of the

proceedings.

7. In the interest of justice, the stay application filed by the petitioners may be considered and decided on 26.12.2023 by the appellate court itself. In case of unavoidable circumstances, the said application cannot be decided on 26.12.2023, the same may be decided within a period of another two weeks thereafter.

8. Till disposal of application for interim relief, the parties are directed to maintain status quo.

9. With these observations, the writ petition stands **disposed of**.

Order Date :- 4.12.2023

S. Singh