

Court No. - 51

Case :- WRIT - C No. - 39860 of 2023

Petitioner :- Sanjeet Kumar Pandey

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

Counsel for Petitioner :- Navnath Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

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

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

"i. issue a suitable writ, order or direction in the nature of mandamus directing the respondent no.2 to decide the Case No.T202305440307708 (Ravindra and Others vs. Lal Bahadur and Others), under Section 229-B of U.P.Z.A. & L.R. Act, 1952 within stipulated period of time, which is pending before respondent no.2 since 26.12.2002.

ii. issue a suitable writ, order or direction in the nature of mandamus directing respondent no.2 to stay the compensation of the disputed land till disposal of the suit."

3. Learned counsel for the petitioner submitted that the suit under Section 229B of U.P.Z.A. & L.R. Act was filed at the instance of the petitioner's father along with others in the year 2002 impleading gaon sabha, State as well as one private party as defendant, which is still pending in spite of the expiry of more than 20 years. He next submitted that petitioner's father has expired and petitioner has been substituted in the pending suit. He also submitted that the plot in dispute has been acquired by National Highways Authority of India and the compensation proceeding is pending before the authority concerned. He also submitted that necessary direction be issued for the disposal of pending suit as well as proceedings for disbursement of compensation in respect to the plot in question be stayed. He further placed the copy of the order sheet of the pending suit, which has been annexed as Annexure No.5 to the writ petition in order to demonstrate that the suit filed in the year 2002 is still pending.

4. Considering the entire facts and circumstances, the instant petition is finally **disposed of** directing respondent no.2 to decide the aforementioned pending suit no.T202305440307708 (Ravindra and Others vs. Lal Bahadur and Others), under Section 229-B of U.P.Z.A. & L.R. Act, 1952 after framing issues and giving parties to lead evidence in accordance with law, expeditiously preferably within a period of three months from the date of

production of certified copy of this order before him. It is further directed that all pending applications in the suit proceedings shall be disposed of by the Court concerned before deciding the suit on merit.

5. It is made clear that this Court has not expressed any opinion on the merits of the case.

Order Date :- 5.12.2023

Rameez