

Court No. - 52

Case :- WRIT - C No. - 39700 of 2023

Petitioner :- Udayan Rai

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Vimal Kumar Pandey

Counsel for Respondent :- CSC, Sudhir Bharti

Hon'ble Saurabh Srivastava, J.

1. At the very outset, learned counsel for the petitioner prays for and is granted permission to implead Sub-divisional Magistrate concerned as respondent no. 4 in the array of the parties during the course of the day.

2. Heard Sri Vimal Kumar Pandey, learned counsel for petitioner and learned Standing Counsel for the State-respondents.

3. Present writ petition has been filed seeking a direction in the nature of mandamus directing the respondent no. 4 to decide Partition Suit No. T202205440406388 (Udayan Rai Vs. Ajay Rai and another), under Section 116 of U.P. Revenue Code, 2006, expeditiously.

4. Learned counsel for petitioner submits that grievance of petitioner would sufficiently be met in case, the aforesaid matter is considered and decided in a time bound manner.

5. Learned Standing Counsel submits that no useful purpose would be served in keeping the writ petition pending and an appropriate direction may be issued to respondent no. 4 to consider the grievance of the petitioner.

6. Be that as it may, without entering into the merits of the case as well as if there is no other legal impediment available, the respondent no. 4 is hereby directed to consider and decide the Partition Suit No. T202205440406388 (Udayan Rai Vs. Ajay Rai and another), under Section 116 of U.P. Revenue Code, 2006, as expeditiously as possible, preferably within a period of six months from the date a certified copy of this order is produced before him after affording proper opportunity of hearing to all the concerned parties.

7. With the aforesaid directions, the writ petition is disposed of.

Order Date :- 20.11.2023

P.Sri.