

Court No. - 47

Case :- WRIT - C No. - 39763 of 2023

Petitioner :- Rita Devi And Another

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

Counsel for Petitioner :- Neelabh Srivastava, Vijai Kumar Singh

Counsel for Respondent :- C.S.C., Sudhir Bharti

Hon'ble Manish Kumar Nigam, J.

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

2. The writ petition has been filed seeking following relief :-

"i) Issue writ, order or direction in the nature of mandamus commanding/directing the Respondent No.2 i.e. Sub Divisional Magistrate, Deoria to decide the Appeal No. T202305200114181, u/s 35(2) U.P. Revenue Code, 2006 (Rita Devi & another Vs. Gram Sabha Kolhuwa, Tappa-Surauli Pargana-Salempur Majhauri, Tehsil & District - Deoria U.P. through its Pradhan.) as well as Stay Application dated 22.07.2023 with regard to the land-in-question bearing Gata No.8 in Khata No.83 having Area 0.401 hectare situated in village - Kolhuwa, Tappa-Surauli, Pargana-Salempur Majhauri, Tehsil & District - Deoria U.P. within some stipulated period and also directed to the respondents to maintain the status quo over the Land-in-question till the disposal of stay application of the petitioners dated 22.07.2023 pending before the Respondent No.2."

3. Contention of learned counsel for the petitioners is that against the order dated 11.7.2023 passed in proceedings u/s 34 of U.P. Revenue Code, 2006, petitioner has preferred an appeal u/s 35(2) of U.P. Revenue Code, 2006, which is still pending and petitioner has moved an application for stay of the order impugned. It has been further contended by learned counsel for the petitioner that by the order impugned, land has been directed to be recorded in the name of Gaon Sabha.

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

5. Considering the facts and circumstances of the present case, this writ petition is finally **disposed of** with a direction to respondent No.2 - Sub Divisional Magistrate, Deoria to decide the stay application dated 22.7.2023 filed in the aforesaid appeal, expeditiously, preferably, within a period of one month from the date of filing of certified copy of this order, after providing opportunity of

hearing to all the concerned parties provided there is no other legal impediment.

6. Til the decision of the application for interim relief, parties are directed to maintain *status quo*.

Order Date :- 20.11.2023

Rishabh

[Manish Kumar Nigam, J.]