

Court No. - 51

Case :- WRIT - C No. - 39908 of 2023

Petitioner :- Smt. Usha

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Sanjay Kumar Pandey, Anis Kumar Gautam

Counsel for Respondent :- C.S.C., Kaushal Kishore Mani

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Anis Kumar Gautam, learned counsel for the petitioner, Mr. Mridul Kumar, learned Standing Counsel for the State-respondents and Mr. Kaushal Kishore Mani, learned counsel for the respondent- Gaon Sabha.

2. The instant petition has been filed for mandamus directing the respondent no.2 i.e. Sub-Divisional Officer, Tahsil-Jansath, District- Muzaffar Nagar to decide the Case No.9493 of 2021, Computerized Case No.T2021095500209493 (Smt. Usha and Others vs. State of U.P. and Others), under Section 144 of U.P. Revenue Code, 2006 within stipulated period.

3. Learned counsel for the petitioner submitted that the suit under Section 144 of U.P. Revenue Code, 2006 filed at the instance of the petitioner is pending even after expiry of more than two years. He further submitted that defendants are avoiding the proceedings and have not filed the written statement in the aforementioned suit. He further submitted that certified copy of order sheet of the case has been annexed as Annexure No.3 to the petition in order to demonstrate that the case is not proceeding expeditiously.

4. Without expressing any opinion on merits of the case and keeping in view of the facts and circumstances, respondent no.2 is directed to decide the aforementioned suit on merits after framing issues and giving parties to lead evidence in accordance with law expeditiously preferably within a period of six months from the date of production of certified copy of this order before him.

5. Accordingly, the writ petition is finally ***disposed of.***

Order Date :- 12.12.2023

Rameez