

Court No. - 51

Case :- WRIT - C No. - 40597 of 2023

Petitioner :- Indrasan Rai

Respondent :- State Of U.P. And 12 Others

Counsel for Petitioner :- Amit Kumar Asthana

Counsel for Respondent :- C.S.C., Rameshwar Prasad Shukla

Hon'ble Chandra Kumar Rai, J.

1. Learned counsel for the petitioner is permitted to make necessary correction in the array of the parties to the writ petition during course of the day and office is also directed to correct the cause title of the case accordingly.
2. Heard learned counsel for the petitioner, Mr. Anand Upadhyay, State Law Officer for the State-respondents and Mr. Rameshwar Prasad Shukla, learned counsel for respondent no.3.
3. The instant petition has been filed for mandamus directing the respondent no.2 i.e. Sub-Divisional Magistrate (Judicial), Tahsil- Sagari, District- Azamgarh to decide the Case No.6405 of 2021, Computerized Case No.T202115060706405 (Indrasan vs. Subhash Chand), under Section 116 of U.P. Revenue Code, 2006 within stipulated period.
4. Learned counsel for the petitioner submitted that the aforementioned partition suit is pending since 2021 before respondent no.2. He further submitted that the copy of order sheet of the case has been annexed as Annexure No.2 to the petition in order to demonstrate that the case is not proceeding according to the provisions contained under Rule 109 (10) of U.P. Revenue Code Rules, 2016.
5. Without expressing any opinion on merits of the case and keeping in view of the facts and circumstances, respondent no.2 is directed to conclude the proceedings of aforementioned case on merits after giving an opportunity of hearing to the parties in accordance with law expeditiously preferably within a period of four months from the date of production of certified copy of this order before him.
6. Accordingly, the writ petition is finally ***disposed of.***

Order Date :- 28.11.2023

Rameez