

Court No. - 51

Case :- WRIT - C No. - 40585 of 2023

Petitioner :- Shyam Sundar

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

Counsel for Petitioner :- Ram Krishna Dubey

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Counsel for the petitioner is permitted to correct the prayer clause of the writ petition during course of the day.
2. Heard Counsel for the petitioner and learned Standing Counsel for State-respondents.
3. The instant writ petition has been filed praying for a mandamus directing respondent No.2, Sub Divisional Magistrate, Tehsil Mahawan, District Mathura to decide the suit No. T202201500502058 under Section 116 of the U.P. Revenue Code, 2006 within stipulated period.
4. Counsel for the petitioner submitted that suit for partition was filed under Section 176 of the U.P.Z.A. and L.R. Act in the year 2011 in which an order was passed but in appeal, matter was remanded back again before the Trial Court. He further submitted that after remand order passed by the Court concerned, the proceeding has been registered as case No. 2058 of 2022, Computerized case No. T202201500502058 under Section 116 of the U.P. Revenue Code, 2006 which is still pending.
5. Certified copy of the order sheet has been annexed as Annexure No.2 to the writ petition in order to demonstrate that the case is not proceeding expeditiously.
6. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the present petition stands **disposed of** finally with a direction to respondent No.2, Sub Divisional Magistrate, Tehsil Mahawan, District Mathura to consider and decide the

aforementioned suit in accordance with law expeditiously and preferably within a period of **four months** from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties.

Order Date :- 4.12.2023

Vandana Y.