

Court No. - 47

Case :- WRIT - C No. - 40202 of 2023

Petitioner :- Maniram And 4 Others

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Harendra Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

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

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

"issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to decide the Stay application in Appeal No.C202315000001548 pending before Commissioner Azamgarh Division, Azamgarh in between Mznirram and others Vs. Sub Divisional Officer, Tahsil: Sadar, District: Mau and others Under section 24(4) of U.P. Revenue Code 2006 if possible within one month or date fixed by appellate Court and also direct the parties to maintain status quo with regard to nature and possession over disputed land during pendency of appeal before appellate court."

3. Contention of learned counsel for the petitioners submitted that against the order dated 30.10.2023 passed u/s 24 of the U.P. Revenue Code, 2006, petitioners have preferred an appeal along with the stay application. The stay application, filed by the petitioners, have not been considered by the Appellate Court and the next date fixed is 28.12.2023. Learned counsel for the petitioners prayed that the stay application be decided within stipulated time.

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

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present petition stands **disposed of** finally with a direction to the Appellate Court to decide the aforesaid stay application on the next date fixed i.e. 28.12.2023 itself. In case it is not possible due to some unavoidable reason, the same shall be considered and decided by the Appellate Court within a period of two weeks thereafter after providing opportunity of hearing to all the concerned parties provided there is no other legal impediment.

Order Date :- 22.11.2023

Rishabh

[Manish Kumar Nigam, J.]