

Court No. - 51

Case :- WRIT - C No. - 40315 of 2023

Petitioner :- Jumma

Respondent :- State Of U.P. And 15 Others

Counsel for Petitioner :- Niraj Kumar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1.Heard Sri Niraj Kumar Tripathi, learned counsel for the petitioner, Sri Akhileshwar Singh, learned Standing Counsel for the State-respondents.

2.The instant writ petition has been filed praying for a mandamus directing respondent no. 2 / Sub Divisional Magistrate, Hsanpur, District Amroha to decide the Case No. T202313380304406 (Ramjani vs. Jumma and Others), under Section 116 U.P. Revenue Code, 2006, within stipulated period.

3. Learned counsel for the petitioner submitted that a partition suit filed on behalf of the petitioner in February, 2023 is still pending, in spite of expiry of more than six months. He further submitted that Rule 109 (10) of U.P. Revenue Code Rules provides for decision of partition of suit within a period of six months whereas more than six months have passed and the suit is still pending. He further placed certified copy of the order-sheet which has been annexed as annexure-2 to the writ petition in order to demonstrate the matter is not proceeding expeditiously.

4. Considering the facts and circumstances of the case, the instant writ petition is finally **disposed of** with a direction to respondent no. 2 / Sub Divisional Magistrate, Hsanpur, District Amroha to consider and decide the aforementioned suit in accordance with law expeditiously and preferably within a period of **five months** from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned.

Order Date :- 1.12.2023

Manoj