

Court No. - 49

Case :- WRIT - B No. - 3883 of 2023

Petitioner :- Rampyare And Another

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Devbratt Yadav,Ram Pratap Yadav

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

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Shri Akash Yadav holding brief of Shri Ram Pratap Yadav, learned counsel for petitioners and Shri S.N. Srivastava, learned Additional Chief Standing Counsel for the State-respondent no. 1 & 1/A, Shri Rameshwar Prasad Shukla, learned counsel for Gaon Sabha and perused the record.

2. The present writ petition has been filed, seeking the following relief:

"(i) Issue, a writ, order or direction in the nature of mandamus issue an interim mandamus commanding the Respondent No. 1 i.e. Board of Revenue U.P. at Prayagraj to decide the application for interim protection filed in the Second Appeal being Second Appeal No. 1720 of 2023 pending under Section 331(4) of U.P.Z.A. & L.R. Act forthwith without any further delay and till the disposal of the application for interim protection status quo may be directed to be maintained between the parties."

3. The submission of learned counsel for petitioner is that petitioners have filed a second appeal under Section 331(4) of U.P.Z.A. & L.R. Act challenging the order dated 01.05.2023 passed by the Additional Commissioner (Judicial) Azamgarh Division Azamgarh. The said appeal has been registered as Second Appeal No. 1720 of 2023. The contention of learned counsel for the petitioners is that since filing of the appeal the same could not be heard and for one reason or another, the case has been adjourned. He submits that along with the said appeal, he has filed an application for interim protection, which is also pending for orders.

4. The submission of learned counsel for petitioners is that there is apprehension that the private respondents may create third party rights by transferring the said property. He strongly contended that there is a serious urgency in the matter and prayed for a writ in the nature of mandamus directing to the respondent no. 1 to

expeditiously decide the second appeal and to pass an appropriate order on the application for the interim relief.

5. Learned Additional Chief Standing Counsel and learned counsel for Gaon Sabha submit that the second appeal has yet not been admitted. They have no objection to the extent that a direction is issued by this Court for expeditious disposal of the above mentioned case, within stipulated period as fixed by this Court.

6. Taking into consideration the facts and circumstances of the case, this Court is of the view that no useful purpose would be served in keeping this writ petition pending.

7. Accordingly, without advertng on merits of the case, with the consent of learned counsel for the parties, this Court deems it appropriate to finally disposed of the present writ petition with a direction to the learned Board of Revenue (respondent no. 1) to decide the aforesaid appeal, strictly in accordance with law, after affording opportunity of hearing to the parties concerned, expeditiously and preferably within a period of **six months** from the date of receipt of a certified copy of this order.

8. It is further provided that the learned Board of Revenue shall consider the application of interim relief filed along with the said second appeal and pass appropriate orders strictly in accordance with law on the next date fixed in the matter.

9. With the aforesaid direction, the present writ petition is **disposed of**.

Order Date :- 22.11.2023

Sharad/-