

Court No. - 51

Case :- WRIT - C No. - 40574 of 2023

Petitioner :- Dashrath

Respondent :- Sheo Babu Yadav And 4 Others

Counsel for Petitioner :- Rakesh Kumar
Srivastava, Nimai Srivastava

Counsel for Respondent :- Azad Rai

Hon'ble Chandra Kumar Rai, J.

1. Counsel for the petitioner is permitted to implead Sub Divisional Officer, Phoolpur, District Prayagraj as respondent no.6 in 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.6, Sub Divisional Magistrate, Phoolpur, District Prayagraj to decide the case No. 332 of 2020 under Section 116 of U.P. Revenue Code, 2006 within stipulated period.
4. Counsel for the petitioner submitted that the aforesaid suit for partition is pending before respondent no.6 for adjudication.
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 as provided under Rule 109 (10) of U.P. Revenue Code, Rules 2016.
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.6, Sub Divisional Magistrate, Phoolpur, District Prayagraj to consider and decide the aforementioned suit in accordance with law expeditiously and preferably within a period of **six 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.