

Court No. - 47

Case :- WRIT - C No. - 41420 of 2023

Petitioner :- Smt. Mubashshara Khatoon

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Gaurav Sisodia

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and perused the record.

2. The instant writ petition has been filed for following prayer:

"I. A writ, order or direction in nature of Certiorari quashing the impugned order dated 24.06.2023 passed by respondent no. 2 in appeal no. 7053 of 2023 under section 35(2) of U.P. Land Revenue Code, 2006.

II. A writ order or direction in nature of Mandamus commanding the respondent no. 2 to decide the appeal no. 7053 of 2023 filed by respondent no. 4 and 5 under section 35(2) of U.P. Land Revenue Code, 2006 within some stipulated time which may be deem fit by the Hon'ble Court."

3. Contention of the learned counsel for the petitioner is that against the order passed in favour of the petitioner in mutation proceeding, an appeal has been filed in which interim order has also been granted. It is also informed by learned counsel for the petitioner that the petitioner has appeared in the aforesaid appeal.

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

5. Since all the parties have appeared before the court below in the appeal, the respondent No. 2/Sub Divisional Magistrate (Judicial), Tehsil Sadar, District Sambhal is directed to consider and decide the aforementioned appeal, in accordance with law, expeditiously, preferably within a period of **one month** from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

6. With the aforesaid observation, the writ petition is disposed of.

Order Date :- 1.12.2023

Ved Prakash