

Court No. - 47

Case :- WRIT - C No. - 40961 of 2023

Petitioner :- Atrimuni And Another

Respondent :- State Of U.P. And 17 Others

Counsel for Petitioner :- Kapil Tiwari

Counsel for Respondent :- C.S.C.,Sudhir Bharti

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 relief:

"A. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2, Up-Ziladhikari, Sahjanwa, District-Gorakhpur to make measurement of Gata No. 95M, which is situated at Village-Tharrapar, Tehsil-Sahjanwa, District-Gorakhpur of the petitioners forthwith.

B. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to stop the construction which is being done by the respondent no. 17, Gaon Sabha Tharrapar through its Gram Gorakhpur, after occupying illegally the land of Gata no. 95M of the petitioners till the disposal of case under Section-24 of U.P. Land Revenue Code-2006, which is pending before the Up-Ziladhikari, Sahjanwa, District-Gorakhpur."

3. Learned counsel for the petitioner states that proceedings under Section 24 of U.P Revenue Code, 2006 is pending before respondent no. 2. He prayed that the same may be decided, expeditiously.

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 respondent No. 2 /Up-Ziladhikari, Sahjanwa, District-Gorakhpur to consider and decide the aforementioned Case No. 127 under Section 24 of U.P. Revenue Code, 2006, in accordance with law, expeditiously, preferably within a period of **three months** 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.

Order Date :- 5.12.2023

Ved Prakash