

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 12116 of 2023

Petitioner :- Ram Sewak (Deceased)

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Deepak Kumar, Antriksh Verma

Counsel for Respondent :- C.S.C.

Hon'ble Prakash Padia, J.

1. Heard learned counsel for the petitioner/petitioners and perused the record.
2. In view of the order proposed to be passed herein, no useful purpose would be served by putting the opposite party to notice and keeping this petition pending before this Court. However, in case the opposite party feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.
3. The basic relief sought by the petitioner/petitioners in the present petition under Article 227 of the Constitution of India is to direct the court below to decide the Civil Appeal No. 24 of 2015 (Ram Sewak Vs. Nagar Palika Parishad, Sadar Azamgarh and Others) alongwith application (Paper no. 20-G) filed by the petitioner on 18.09.2023 in aforesaid Civil Appeal expeditiously.
4. It is argued by learned counsel for the petitioner that civil appeal no. 24 of 2015 is pending in the court of Additional District Judge, F.T.C.-2 Azamgarh and an application dated 18.09.2023 was filed by the appellant in appeal namely Ram Sewak. The application was numbered as application no. 20-G and prayer has been made to restrain the respondents from interference in the peaceful possession of the property in dispute. It is argued that some orders are required on the aforesaid application but till date no decision has been taken. Further it is argued that those appeals were filed in the year 2015 but till date the same is pending consideration.
5. The matter is pending before the court below since eight years and considerable time has already been lapsed but till date no final decision has been taken in the matter.
6. In the facts and circumstances of the case, the present petition is ***disposed of*** finally with the following directions:-

(i) The appellate court is directed to decide the aforesaid application being application 20-G strictly in accordance with law most expeditiously and preferably within a period of three weeks from the next date fixed in the matter

(ii) Since appeal is pending from last more than 7 years the court concerned is directed to decide the aforesaid civil appeal strictly in accordance with law most expeditiously and preferably within a period of one year but without granting unnecessary adjournment unless there is no legal impediment.

Order Date :- 5.12.2023

Vikram