

Court No. - 47

Case :- WRIT - C No. - 42385 of 2023

Petitioner :- Ambika And 5 Others

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

Counsel for Petitioner :- Ali Hasan, Istiyaq Ali

Counsel for Respondent :- CSC, Bhupendra Kumar Tripathi

Hon'ble Manish Kumar Nigam, J.

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

2. The present petition has been filed for the following relief:

"i) Issue a writ, order or direction in the nature of mandamus directing to respondent no. 2 i.e. Up-Ziladhikari Sadar, Jaunpur to exchange the some portion of plot no. 127 belongs to Gaon Sabha (now Nagar Panchayat Kajgano) with plot no. 111 and 112 belongs to petitioners.

ii) Issue a writ, order or direction in the nature of mandamus directing to respondent no. 2 i.e. Up-Ziladhikari Sadar, Jaunpur to decide the case no. nil of 2023 (Ambika and others Versus Gaon Sabha Mauja Gaddipur and another) under Section 101 of the Uttar Pradesh Revenue Code-2006 filed on 28.02.2023 within some stipulated period as fixed by this Hon'ble court."

3. Learned Standing Counsel submitted that prayer No. 1, which is made in the writ petition cannot be allowed as no direction can be issued by this Court directing for exchange of land, especially when the proceedings under Section 101 of the U.P. Revenue Code, 2006 are pending.

4. At this stage, learned counsel for the petitioners stated that the case under Section 101 of the U.P. Revenue Code, 2006, which is pending since 2023 before respondent No. 2 for adjudication, be directed to be decided, expeditiously.

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

6. 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 The Up-Ziladhikari, Jaunpur, District-Jaunpur to consider and decide the aforementioned case, 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 :- 8.12.2023

Nitika Sri.

(Manish Kumar Nigam, J.)