

Court No. - 51

Case :- WRIT - C No. - 40707 of 2023

Petitioner :- Ramjeet

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

Counsel for Petitioner :- Ashok Kumar Dwivedi

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Ashok Kumar Dwivedi, Counsel for the petitioner, Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents and Mr. Pankaj Kumar Gupta for respondent no.3, Gaon Sabha.

2. The instant petition has been filed for following relief:-

" Issue a writ, order or direction in the nature of mandamus commanding to the respondent no.2, Sub Divisional Officer (Judicial), Tehsil Sadar, District Basti to decide the case being case No. T202217140301387 (Shivcharan Vs. Haricharan and Others) under Section 116 of U.P. Revenue Code, 2006 pending in the Court of respondent no.2 since 14.2.2022 within stipulated period fix by this Hon'ble Court."

3. Counsel for the petitioner submitted that suit for partition under Section 116 of U.P. Revenue Code, 2006 filed by respondent no.4 impleading the petitioner as defendant is pending before respondent no.2. He further submitted that ex-parte injunction order dated 14.2.2022 has been passed without affording opportunity of hearing to the petitioner who is defendant in the partition suit. He submitted that objection to the injunction application has been filed on behalf of petitioner but respondent no.2 has not disposed of the petitioner's objection dated 7.3.2022. He submitted that necessary direction be issued for the disposal of the petitioner's objection dated 7.3.2022 as well as the entire proceeding of partition suit within stipulated period. He further submitted that an application dated 7.7.2022 has also been filed on behalf of the petitioner regarding the maintainability of the suit which is also pending before respondent no.3.

4. Considering the entire facts and circumstances, the instant petition is finally **disposed of** directing the respondent no.2, Sub Divisional Officer, Sadar, District Basti to conclude the proceeding of partition suit expeditiously after affording opportunity of hearing to the parties in accordance with law within period of **four months** from the date of

production of certified copy of this order. It is further directed that before deciding the suit, the pending applications shall be decided by respondent no.2 in accordance with law after affording opportunity of hearing to the parties.

Order Date :- 28.11.2023

Vandana Y.