

Court No. - 51

Case :- WRIT - C No. - 41685 of 2023

Petitioner :- Kiran Kushwaha

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Shesh Nath Singh Yadav, Rikhaee Singh Yadav

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Chandra Kumar Rai, J.

1. Heard Counsel for the petitioner, Mr. Shridhar Tripathi, learned Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, learned counsel for the Gram Sabha.

2. The instant writ petition has been filed praying for a mandamus directing respondent No. 2-Sub Divisional Magistrate, Tehsil-Jakhaniya, District Ghazipur to decide the Case No. T-202214290504872 (Kiran Khushwaha Vs. Anil Kumar And others), Village Dingijpur, Pargana-Shadiyabaad, Tehsil Jakhaniya, District Ghazipur, under Section 116 of the U.P. Revenue Code, 2006 within stipulated period as well as direct the respondent not to interfere in the peaceful possession of the petitioner during the pendency of the suit proceeding.

3. Learned counsel for the petitioner submitted that the aforementioned partition suit is pending since 2022 along with the prayer for interim relief. He further placed copy of the order sheet, which has been annexed as Annexure No. 4 to the writ petition in order to demonstrate that the case is not proceeding according to the provisions contained under Rule 109(10) of U.P. Revenue Code, Rules 2016.

4. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the present petition stands **disposed of** finally with a direction to respondent No. 2-Sub Divisional Magistrate, Tehsil-Jakhaniya, District Ghazipur to consider and decide the aforementioned case in accordance with law expeditiously and preferably within a period of six months from the date of production of certified copy of this

order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties.

Order Date :- 4.12.2023

S.A.