

Court No. - 49

Case :- WRIT - B No. - 3998 of 2023

Petitioner :- Kanti Devi

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Kailash Nath Singh

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Kailash Nath Singh, learned counsel for the petitioner, Sri S.K, Ray, learned Standing Counsel representing the respondents no.1 & 2 and perused the record.

2. The instant writ petition has been filed, inter alia, for the following relief:

"(i) Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 / Settlement Officer of Consolidation (Judicial), Jaunpur to decide the Appeal No. 651/677 of 2022-23 (Kanti Devi Vs. Suryamani & others) under Section 11(1) of UPCH Act, within stipulated time, as directed by this Hon'ble Court (Annexure No. 1 to the writ petition)."

3. Learned counsel for the petitioner submits that the Appeal No. 651/677 of 2022-23 (Kanti Devi Vs. Suryamani & others), under Section 11(1) of U.P. Consolidation of Holdings Act is pending for order before the Settlement Officer of Consolidation (Judicial), Jaunpur (respondent no.2), but till date the said proceeding has not been decided. He further submits that because of the pendency of the said appeal the petitioner is facing undue hardship.

4. Learned Standing Counsel submits that he has no objection to the extent that a direction is issued by this Court for expeditious disposal of the above mentioned case, within stipulated period as fixed by this Court.

5. In view of the nature of the order proposed to be passed, the service of notice upon the respondents nos. 3 to 6 is dispensed with.

6. Taking into consideration the facts and circumstances of the case, this Court is of the view that no useful purpose would be served in keeping this writ petition pending.

7. Accordingly, without advertng on merits of the case and with the consent of the parties, this Court deems it appropriate to

finally dispose of the present writ petition, with a direction to the Settlement Officer of Consolidation (Judicial), Jaunpur (respondent no.2), before whom the Appeal No. 651/677 of 2022-23 (Kanti Devi Vs. Suryamani & others), under Section 11(1) of U.P. Consolidation of Holdings Act is pending for order, to decide the same strictly in accordance with law, by a reasoned and speaking order on merit, after affording opportunity of hearing to the parties concerned, expeditiously and preferably within a period of **six months** from the date of receipt of a certified copy of this order, unless there is any legal impediment. It is further directed that no unnecessary adjournments be granted to either of the parties, if prayed for, will be permissible to be granted only in exceptional circumstances.

8. With the aforesaid direction, the present writ petition is **disposed of**.

Order Date :- 5.12.2023

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