

Court No. - 51

Case :- WRIT - C No. - 42738 of 2023

Petitioner :- Nabab

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

Counsel for Petitioner :- Om Prakash Chaurasia, Sudhanshu Chaurasia

Counsel for Respondent :- C.S.C., Sunil Kumar Singh

Hon'ble Chandra Kumar Rai, J.

1. Heard Shri Om Prakash Chaurasia, learned counsel for the petitioner and Ms. Rasmi Mishra, learned Standing Counsel for the State-respondents and Shri Sunil Kumar Singh, learned counsel for Gaon Sabha.

2. The instant petition has been filed for mandamus directing the respondent no.3 i.e. Sub Divisional Magistrate (Judicial), Dadri, Tehsil Dadri, District Gautam Buddha Nagar to decide the old suit/ Case No.78 of 2010 New Computerised Case No.T201811270201974 within stipulated period.

3. Learned counsel for the petitioner submitted that aforementioned suit for declaration filed under 229-B of U.P. Z.A & L.R Act was decided without framing the issue, as such the order was set aside and the matter was remanded back to the trial court to decide afresh after framing issues in the matter. He further submitted that ultimately the suit has been registered under section 144 of the U.P. Revenue Code, 2006 and the case is at the evidence stage. He submitted that necessary direction be issued for the expeditious disposal of the aforementioned suit. He further placed copy of the order sheet, which has been annexed as Annexure No.7 to the writ petition.

4. Without expressing any opinion on merits of the case and keeping in view of the facts and circumstances, respondent no.3 is directed to conclude the proceeding in the afore mentioned suit after giving an opportunity of hearing to the parties in accordance with law expeditiously preferably within a period of four months from the date of production of certified copy of this order before him.

5. Accordingly, the writ petition is finally **disposed of**.

Order Date :- 11.12.2023

SFH