

Court No. - 51

Case :- WRIT - C No. - 42124 of 2023

Petitioner :- Sadhna

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

Counsel for Petitioner :- Deepak Kumar Tripathi

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

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner, Mr. Govind Kumar Saxena, learned Additional Chief Standing Counsel for the State-respondents and Mr. Pankaj Kumar Gupta, learned counsel for respondent No.4/Gaon Sabha.

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

"(i) Issue a writ, order or direction in the nature of certiorary quashing the order dated 24.08.2023 passed by the respondent No.3/ Sub Divisional Magistrate, Tehsil-Khalilabad, District-Sant Kabir Nagar (Annexure No.1 to this Writ petition).

(ii) Issue a writ order or direction in the nature of mandamus directing the respondent No.3 to grant fisheries patta in favour of petitioner over the Arazi No.71-Sa (pond) situated in village-Dighwa, Tehsil-Khalilabad, District-Sant Kabir Nagar in pursuance of auction dated 06.07.2023.

(iii) issue a writ, order or direction in the nature of mandamus directing the respondent No.2 to decide the Appeal /Case No. D 202317650000869 (Smt. Sadhna vs. State of U.P.) within stipulated period which is pending before the respondents."

3. Learned counsel for the petitioner submitted that against the impugned order dated 24.08.2023, passed by respondent No.3 in respect to the grant of fisheries lease, the petitioner filed an appeal being case No. D 202317650000869 (Smt. Sadhna Vs. State of U.P.) which is pending before respondent No.2/Sub Divisional Magistrate, Sant Kabir Nagar. He further submitted that direction be issued for disposal of the pending appeal and till disposal of the appeal filed by the petitioner necessary protection be granted in favour of the petitioner in respect of the

pond in question. He further placed certified copy of the ground of appeal, which has been annexed as Annexure No.7 to the writ petition in order to demonstrate that the case is not proceeding expeditiously.

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/District Magistrate, District-Sant Kabir Nagar to consider and decide the aforementioned case in accordance with law expeditiously and preferably within a period of **three 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 :- 6.12.2023

PS*