

Court No. - 51

Case :- WRIT - C No. - 42652 of 2023

Petitioner :- Ram Naresh

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

Counsel for Petitioner :- Ram Bachan Yadav,Ram Sakal Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard Shri Ram Bachan Yadav, learned counsel for the petitioner, Shri Anand Upadhyay, learned State Law Officer for the State-respondents.

2. The instant petition has been filed for mandamus directing the respondent no.2 i.e. Commissioner, Azamgarh Mandal Azamgarh to decide the Appeal No. Rst/ 1347/2018 (C201815000001347 Rittu Vs. Ram Naresh) (old No.723/A Rittu Vs. Swarath), under section 331 of U.P. Z.A. and L.R. Act within stipulated period.

3. Learned counsel for the petitioner submitted that Suit under section 229-B of U.P. Z.A & L.R Act filed at the instance of the petitioner's father was decreed vide judgment and decree dated 8.6.1984. He further submitted that the appeal filed at the instant of the contesting respondents is pending before respondent No.2 since 1984. He further submitted that village was notified, under section 4 of the U.P.C.H. Act but later on a notification under section 6 of the U.P.C.H. Act has been issued, as such, appeal has been again revived before the Commissioner, which is pending. 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 matter is not proceeding expeditiously.

4. Without expressing any opinion on merits of the case and keeping in view of the facts and circumstances, respondent no.2 is directed to conclude the proceeding of the afore mentioned appeal after giving an opportunity of hearing to the parties in accordance with law expeditiously preferably within a period of two 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