

Court No. - 13

Case :- MATTERS UNDER ARTICLE 227 No. - 5202 of 2023

Petitioner :- Sant Ram

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil
Sectt. Lko And Others

Counsel for Petitioner :- Awanish Kumar Bhatt,Rajeev Rai

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State-respondent Nos.1 to 4.

2. In view of the proposed order being passed, notices to respondent Nos.5 to 14 are dispensed with.

3. The petitioner by way of this petition has prayed for issuing a writ of Mandamus commanding the opposite party No.3-Sub Divisional Magistrate Sawayajpur, District Hardoi to conclude the proceedings under Sections 145/146 Cr.P.C. as per law keeping in view the police report dated 10.06.2023 submitted by the opposite party No.4-S.H.O. Harpalpur.

4. Learned counsel for the petitioner submits that dispute occurred between the petitioner and the respondents regarding ploughing on the own share of the petitioner and due to that petitioner moved an application before the Sub Divisional Magistrate, Sawayajpur, under Section 145 Cr.P.C. to take appropriate action as the dispute concerning the land in question was likely to cause breach of peace in the locality.

5. A police report was summoned wherein the opposite party No.4, S.H.O. Harpalpur submitted his report recommending for taking action under Section 145 Cr.P.C. and apprehending breach of peace. The report of the police is on record. Thereafter, consequential order dated 31.07.2023 was passed by the Sub Divisional Magistrate, Sawayajpur for the parties to adduce both oral and documentary evidence in support of their contention. Since then nothing has happened in the proceedings and proceedings being summary in nature and looking to the apprehension expressed in the police report, the matter is liable to be expedited.

5. Learned A.G.A. has no objection in case the proceedings are expedited.

6. On due consideration to the submissions advanced, perusal of the record so also the police report which is also on record, petition is ***disposed of*** with a direction to the respondent No.3-Sub Divisional Magistrate, Sawayajpur to expedite and conclude the proceedings pending before it in Case No.T202310330504173 (Sant Ram vs. Jaipal Singh & ors.) under Section 145 Cr.P.C. preferably within a period of six months from the date of production of certified copy of this order.

Order Date :- 6.12.2023

Saurabh Yadav/-