

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5152 of 2023

Petitioner :- Surya Nath Verma

Respondent :- Learned Appellate Court/District Judge,
Ambedkar Nagar And Another

Counsel for Petitioner :- Brajesh Kumar Chaudhary

Hon'ble Rajnish Kumar,J.

1. Heard Sri Brajesh Kumar Chaudhary learned counsel for the petitioner.
2. This petition has been filed by the petitioner to issue a direction for disposal of civil appeal no.46 of 2022 (Sant Kumar vs State of U.P and others) under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1972 against the order dated 08.07.2022 passed by the Sub Divisional Officer, Ambedkar Nagar.
3. Submission of learned counsel for the petitioner is that on the complaint of the petitioner and the direction issued by this Court in petition i.e Misc. Single No.16968 of 2021 (Surya Nath Verma vs Court of Revenue Officer/Up Zila Magistrate, Akbarpur & others) the suit for eviction was instituted against the opposite party nos. 2 and the same was allowed by means of the judgment and order dated 08.07.2022 passed by the Sub-Divisional Officer.
4. The opposite party no.2 has filed appeal against the said order, which is pending in the Court of District Judge, Ambedkarnagar but the appeal is not being disposed of despite specific provision in the U.P Public Premises (Eviction of Unauthorised Occupants)Act, 1972 for disposal of appeal expeditiously, therefore, the petitioner is constrained to approach this Court.
5. Perusal of the appeal indicates that petitioner is not party in the appeal.
6. On a query being put, learned counsel for the petitioner fairly admits that application for impleadment moved by the petitioner has been rejected by the Appellate Court and thereafter, the petitioner has moved an application under Order 1 Rule 10 CPC which is pending consideration.

7. In view of the above, when the petitioner is not party in the appeal and his application for impleadment has also been rejected, which has not been challenged in any forum/Court and another application for impleadment is pending and the fact that action has already been taken on the complaint of the petitioner, this Court is of the view that no direction can be issued by this Court on the instance of the petitioner.

8. At this stage, learned counsel for the petitioner submits that the petition be dismissed as not pressed with liberty to pursue his application for impleadment and after disposal of the application and if allowed and occasion arises, to approach this Court.

9. The petition is **dismissed**, as not pressed with liberty as aforesaid.

(Rajnish Kumar,J.)

Order Date :- 11.10.2023

Harshita