

Court No. - 18

Case :- WRIT - B No. - 1019 of 2023

Petitioner :- Shiv Bahadur And Others

Respondent :- Settlement Officer Of Consolidation, Sultanpur And Others

Counsel for Petitioner :- Vyas Narayan Shukla,Prakhar Mishra,Raghvendra Ojha

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania,J.

1. Heard.
2. In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.
3. By means of this petition, the petitioners have sought following main relief:

"Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite parties to maintain the status-quo over the land in question, during the pendency of appeal before opposite party No. 1 i.e. Appeal No. 1653, Under Section-11 (1) of U.P. C.H. Act (Shiv Bahadur and others Versus Shiv Kumar and others) in respect of Village-Tikarmafi, Pargana, Tahsil and District-Amethi in which the next date has been fixed on 23.11.2023 and may also further be pleased to direct the opposite party no. 3 not to proceed with the case under rule-109 of U.P. C.H. Act which has filed by opposite parties no. 4 & 5 bearing Case No. CH-53, Rule-109/22-23 (Shiv Kumar and Others Vs. Gaonsabha and Another), in the interest of justice."

4. Considering the prayer sought, on being confronted as to how the present petition is maintainable seeking relief which is in nature of interim relief, learned counsel for the petitioners, after arguing at length, says that justice would suffice if present petition is disposed of with direction to the respondent no.1- Settlement Officer Of Consolidation, Sultanpur to consider and dispose of pending application seeking interim protection within time stipulated.
5. To the aforesaid, learned Standing Counsel for State has no objection.
6. Accordingly, this petition is **disposed of** with a direction to the

respondent no.1- Settlement Officer Of Consolidation, Sultanpur to consider and decide the interim relief sought by the petitioner in the application dated 01.09.2023 filed along with the appeal, most expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting any adjournment to either party preferably within a period of two months from the next date fixed in the case, if possible and if there is no other legal impediment in this regard. If possible, the same shall be considered on 23.11.2023, the next date fixed in the case.

7. It is made clear that this Court has not examined the case of either party on merits and the Authority concerned shall be free to decide the matter strictly in accordance with law.

8. With the aforesaid, the petition is **disposed of**.

Order Date :- 9.11.2023

Mohit Singh/-