

Court No. - 3

Case :- WRIT - C No. - 10009 of 2023

Petitioner :- Dashrath Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of
Revenue Civil Sectt. Lko. And 10 Others

Counsel for Petitioner :- Maneesh Singh, Rajesh Kumar
Shukla

Counsel for Respondent :- C.S.C., Mohan Singh

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard learned counsel for the parties and perused the record.

Admittedly, there is suit under Section 116 for partition is pending between the petitioner and Respondent Nos. 7 to 11 before the Court of Sub-Divisional Magistrate and petitioner claims that during pendency of the said suit, the private respondents are raising construction on spot.

In the given circumstances, the petitioner has remedy of filing a stay application in the said suit itself. In case the such application is filed, the Sub-Divisional Magistrate concerned shall decide the same expeditiously after hearing all the parties concerned.

With the aforesaid, the writ petition is disposed of.

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[Manish Kumar, J.] [Vivek Chaudhary, J.]

Order Date :- 9.11.2023

S. Kumar