

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5828 of 2023

Petitioner :- Kamala Devi

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue, Lko. And Others

Counsel for Petitioner :- Gyanendra Mishra

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

Hon'ble Saurabh Lavania,J.

Heard.

In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.

Present petition has been filed for the following main relief:-

"a. Issue a order, or direction commanding the opposite party No.2 to decide the application U/S 101 of U.P.Revenue code 2006 bearing Computerized Case No. T201904680700188 titled as Kamala Devi versus Gram Panchayat & ors. within stipulated period of time.

b. Issue a writ, order or direction in the nature of mandamus commanding the Opposite Parties not to take coercive measures/demolish the house of petitioner on the basis of order dated 22.09.14 passed in proceeding U/S 122-B of U.P.Z.A.L.R Act initiated against petitioner till the disposal of proceeding U/S 101 of U.P.Revenue code 2006."

Considering the order dated 22.09.2014 passed in the proceedings instituted under Section 122-B of U.P. Z.A.& L.R. Act, 1950 (in short "Act of 1950") and in compliance thereof petitioner can be evicted, this Court is of the view that no fruitful purpose would be served in keeping the present petition pending.

Accordingly, present petition is disposed of with direction to respondent No.2-Sub Divisional Officer, Tehsil-Jaisinghpur, District-Sultanpur to consider and decide the Case/Application No.T201904680700188, 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 three months from the next date fixed in the case, if there is no other legal impediment in this regard.

In the interest of substantial justice, it is provided that petitioner shall not be evicted from the land, in dispute, till decision on the application preferred by the petitioner under Section 101 of the Act of 1950.

The benefit of this order would be available to the petitioner if he appears on each date fixed in the case.

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

Order Date :- 9.11.2023

Vinay/-