

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 6022 of 2023

Petitioner :- Ram Surat

Respondent :- State Of U.P. Thru. Addl. Chief Secy., Deptt. Of Revenue, Lucknow And Others

Counsel for Petitioner :- Pramod Kumar

Counsel for Respondent :- C.S.C., Vijay Bahadur Yadav

Hon'ble Shree Prakash Singh,J.

At the very outset, learned counsel appearing for the petitioner submits that he may be permitted to correct the prayer clause during course of the day.

Learned counsel for the respondents have no objection to the submission aforesaid.

In view of the aforesaid submissions, learned counsel for the petitioner is permitted to correct the prayer clause during course of the day.

Heard Sri Promod Kumar Verma, learned counsel for the petitioner, Sri Vijay Bahadur Yadav, learned counsel for respondents nos. 8 to 13, Sri Hemant Pandey, standing counsel for the State and perused the record.

Instant petition has been filed with following reliefs:-

- i. Issue a suitable, order or direction commanding the Additional Commissioner (Judicial) Ayodhya Mandal, Ayodhya, to decide Application for Appeal bearing Suit. No. 2506/2023 (C202304000002506), 'Ram Surat vs Ram Singar & Ors', pending before Additional Commissioner (Judicial) Ayodhya Mandal, Ayodhya, against the order dated 04/10/2023 passed by Sub Divisional Magistrate Kadipur. With respect to land situated at village Bhawanipur Pargana Aldemau, Tehsil Kadipur, District Sultanpur, expeditiously within such period as may be stipulated by this Hon'ble Court in the interest of justice;
- ii. It is most respectfully prayed that this Hon'ble court may kindly be pleased to direct the Respondent No. 2 to 7 to not allocate the land in question (bearing Gata No. 174 Area 0.1580) to any other private person by any medium provided under the law in force.

iii. Any other relief which this Hon'ble Court may deem fit, just and proper under the circumstances of the case, also be passed in favor of the Petitioner;

iv. Allow the petition with cost in favour of the Petitioner.

v. It is most respectfully prayed that the interim relief of the appeal is expeditiously within such period as may be fixed by this Hon'ble Court.

Learned counsel for the petitioner submits that he has instituted an appeal before the Additional Commissioner (Judicial) Ayodhya Mandal, Ayodhya, to decide the appeal bearing suit no. 2506 of 2023 'Ram Surat vs Ram Singar & Ors' and an interim relief application is pending with appeal, thus, the appellate authority may be directed to decide the same within stipulated period of time as may be fixed by this Court.

Learned counsel appearing for the respondents though, have opposed the matter on merits, but they have no objection, if this Court is pleased to direct the authority concerned to decide the matter within a period prescribed.

In view of the aforesaid, the appellate authority i.e. Additional Commissioner (Judicial) Ayodhya Mandal, Ayodhya is hereby directed to decide the interim relief application if any, of the petitioner within a period of thirty days from the date of certified copy of this order is produced before it, in accordance with law, after affording opportunity of hearing to all the concerned parties, if there is no further legal impediment.

It is made clear that nothing has been said on merits in the observations made above.

With the aforesaid observations, the instant petition is hereby **dismissed**.

Order Date :- 30.11.2023/Mayank