

Court No. - 17

Case :- MATTERS UNDER ARTICLE 227 No. - 6198 of 2023

Petitioner :- Mrs. Mahmad Farhana And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home
U.P. Lko. And 3 Others

Counsel for Petitioner :- Anju Singh

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Ms. Anju Singh, learned counsel for petitioner as well as learned Standing Counsel for respondent Nos. 1 & 2.

2. In light of the proposed order, notices to respondent Nos. 3 & 4 are dispensed with.

3. It has been submitted by learned counsel for petitioners that proceedings against the petitioner were initiated under the Uttar Pradesh Regulation of Urban Premises tenancy Act, 2021 at the behest of respondent Nos. 3 & 4 and an order of eviction was passed on 07.10.2022.

4. It is the case of the petitioners that the said order was ex-parte and no opportunity of hearing was given to the petitioners

5. Against the order of the prescribed authority directing her eviction, an appeal has been preferred before the District and Sessions Judge, Lucknow. In the said appeal, the District and Sessions Judge by means of his order dated 29.11.2023 has directed the petitioner to deposit 50% of the rent i.e. Rs. 18,68,000/-, the petitioners have moved an application for recall of the said order but the same is pending and it is stated that in the meanwhile respondents are proceedings to evict the petitioners from the disputed property and recover the outstanding amount of rent.

6. Learned counsel for petitioner confines her relief to a suitable direction to the District and Sessions Judge, Lucknow to expedite the application for recall as well as decide the application for interim relief preferred by the petitioners.

7. Considering the fact that petitioner has not yet moved any application before the District and Sessions Judge, Lucknow stating clear reasons as to why the application deserves to be expedited and consequently present writ petition disposed of

with a liberty to the petitioner to move a suitable application to expedite the application for recall as well as application for interim relief filed in the said appeal. In case such an application is moved within next ten days, the District and Sessions Judge, Lucknow shall pass suitable orders on the said application within next two weeks, if there is no legal embargo. In case he finds that there is any urgency in the matter, he shall proceed to consider and decide pending application preferred by the petitioner in accordance with law.

8. In light of the aforesaid, the writ petition stands disposed of.

(Alok Mathur, J.)

Order Date :- 12.12.2023

Ravi/