

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 3005 of 2024

Petitioner :- Rajendra Prasad Dubey And Others

Respondent :- State Of U.P. Thru. Collector, Ayodhya And Others

Counsel for Petitioner :- Saryu Prasad Tiwari

Counsel for Respondent :- C.S.C., Mohan Singh, Shesh Narain Pandey

Hon'ble Subhash Chandra Sharma, J.

Heard learned counsel for the petitioners, learned A.C.S.C. on behalf of respondent nos. 1 to 4, Sri Mohand Singh, learned counsel for Gaon Sabha and Sri Narain Pandey on behalf of respondent no. 8 and perused the record.

This writ petition has been filed by the petitioner with following prayer:-

"(i) Direct to the opposite party no. 3 Board of Revenue, U.P. Lucknow to decide the stay application filed by the petitioners along with Second Appeal No. 1758 of 2024 (Rajendra Prasad Dubey and others Vs. State of U.P. and others) which is pending before the opposite party no. 3 within the stipulated time as may be fixed by this Hon'ble Court and till then this Hon'ble Court may kindly be pleased to restrain the opposite party no. 6 and 7 from making construction on the land in dispute till disposal of the stay application filed by the petitioners.

(ii) Pass any other order or direction as this Hon'ble court may deem just and proper in the circumstances of the case in favour of the petitioners.

(iii) Allow the petition with costs in favour of petitioners."

It is submitted by the learned counsel for the petitioners that in this case, second appeal was filed before the Board of Revenue in pursuance to the direction of this Court vide order dated 5.6.2024 in Writ-C No. 5259 of 2024 with stay application but no any order has been passed by the Board of Revenue till now even on the stay application that is still pending. Further submitted that date has been fixed on 9.7.2024 for admission of appeal, therefore, request to direct the leaned court to decide the stay application on the date so fixed.

Learned counsel for opposite party has no objection in this regard.

Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, perusal of record and urgency of the case, it is expedient to direct the learned court concerned to make its endeavour to decide the stay application on the date so fixed and to pass appropriate order in accordance with law without granting any unnecessary adjournment to either of the parties.

Accordingly, the present petition is ***disposed of*** finally.

Order Date :- 27.6.2024

Anurag Singh