

Court No. - 4

Case :- WRIT - C No. - 5619 of 2024

Petitioner :- Amir Ali

Respondent :- District Magistrate , Sultanpur And Others

Counsel for Petitioner :- Udai Pratap Lal

Counsel for Respondent :- C.S.C.

Hon'ble Subhash Chandra Sharma,J.

1. Heard learned counsel for the petitioner, learned Standing counsel for the State-respondent and perused the material brought on record.

2. The present writ petition has been filed by the petitioner with the following prayer:-

"(i) Issue writ order or direction in the nature of certiorari to quash the order dated 14.06.2024 and order dated 20.06.2024 which is annexure no. 3 and 5.

(ii) Issue writ order or direction in the nature of mandamus commanding to opposite parties to stay the effect and execution of the impugned orders during the pendency of this writ petition."

3. It is submitted by the learned counsel for the petitioner that in the present case, an order under Section 34 of Uttar Pradesh Revenue Code, 2006 was passed by learned Tehsildar without considering the facts of the case against which an appeal was filed before the learned Court of S.D.O. with an application for interim order. The appeal was admitted and the trial Court record was summoned but interim application was not decided by the learned Court, which is still pending and the opposite party is trying to dispossess the petitioner, therefore, a request is being made to restrain the opposite party from dispossessing the petitioner from the land in question.

4. Learned Standing Counsel contended that in this case, the appeal is still pending before the

learned Court of S.D.O. and the interim application is to be decided by the learned Court.

5. Considering the facts and circumstances of the case and the submissions advanced by the learned counsel for the parties and the perusal of the order passed by learned S.D.O., it appears that the appeal is still pending before the learned Court of S.D.O. wherein trial Court record has been summoned, it is expedient to direct the learned Court concerned to decide the application for interim relief pending before it and if not pending, the petitioner may file such application before the learned Court concerned, which may be heard and decided in accordance with law after hearing both the parties within a period of 15 days from the date of production of certified copy of this order.

6. With the aforesaid observation and direction, this writ petition is finally **disposed of**.

Order Date :- 26.6.2024

Arun