

Court No. - 16

Case :- MATTERS UNDER ARTICLE 227 No. - 3095 of 2024

Petitioner :- Taheera Bano

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home Lko. And 5 Others

Counsel for Petitioner :- Ashok Kumar Singh, Savitri Arya

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Heard Sri Ashok Kumar Singh, learned counsel for the petitioner as well as Sri Hari Shanker Bajpai, learned A.G.A.-I for the State and perused the record.

This petition under Article 227 of the Constitution of India has been filed with following main prayers:-

"(i) To issue an order or direction by means of which to allow the present petition setting aside the judgment and order dated 21.05.2024 passed by learned Additional District and Sessions Judge, Court No.3, Gonda in Criminal Revision Case No.83/2023, CNR No. UPGD01001398-2023 (Md. Jameel Vs. Tahira Bano & Ors. contained as Annexure No.1 to this petition.

(ii) Issue an order or direction to the opposite parties not to repossess over the land in question under the garb of order dated 21.05.2024 passed by learned Additional District and Sessions Judge, Court No.3, Gonda in Criminal Revision Case No.83/2023, CNR No. UPGD01001398-2023 (Md. Jameel Vs. Tahira Bano & Ors. during pendency of proceeding under Section 145 Cr.P.C. pending before S.D.M. Tarabganj, District Gonda."

Learned counsel for the petitioner submits that the petitioner is aggrieved by the order dated 21.05.2024 passed by learned Additional District and Sessions Judge, Court No.3, Gonda in Criminal Revision Case No.83/2023, CNR No. UPGD01001398-2023 (Md. Jameel Vs. Tahira Bano & Ors. whereby the order dated 20.12.2022 passed by the S.D.M. Tarabganj, District Gonda was set aside and the matter was remanded back to the learned Magistrate to decide the dispute between the parties afresh. A copy of the revisional order is filed as Annexure No.1 to the affidavit filed alongwith this petition.

He further submits that the petitioner is in actual possession in the property in dispute and the opposite party nos.2 to 6 are unnecessarily interfering his possession. Thus, some interim

protection may be granted but he confined his prayer that a positive direction be given to the learned Magistrate to decide the case which is remanded vide order dated 21.05.2024 within stipulated time period with utmost expedition.

Learned A.G.A.-I has no objection on the prayer made by the learned counsel for the petitioner and submits that a positive direction be given to the learned Magistrate to decide the case of the petitioner, as merely keeping pending the same by the learned Magistrate does not suffice any purpose of the litigation.

In view of the statements made by the learned counsel for the parties, the learned Magistrate is directed to decide the case, which was remanded vide order dated 21.05.2024 expeditiously i.e. within six weeks, without granting any unnecessary adjournment to either of the parties from the date of filing of the certified copy of this order, unless there is some legal impediment or unless there is any order passed by the higher court staying the proceedings of the case.

With the aforesaid observation, the petition is **disposed of** finally.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this petition and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 8.7.2024

Saurabh