

Court No. - 19

Case :- MATTERS UNDER ARTICLE 227 No. - 6255 of 2024

Petitioner :- Anant Sahkari Grih Nirman Samiti Ltd. Lko. Thru. Secy.
Basant Kumar Singh

Respondent :- Smt. Bindu Singh And 4 Others

Counsel for Petitioner :- Girish Kumar Pandey, Neeraj Kumar
Mishra, Rajesh Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

Heard learned counsel for the petitioner and learned State counsel for opposite party no.5.

In view of the order proposed to be passed issuance of notice to opposite parties no.1 to 4 stands dispensed with.

Present petition has been filed seeking a direction to the concerned authority for expeditious disposal of the proceedings under Section 116 of the U.P. Revenue Code, 2006 pending since 12.7.2022.

It has been submitted that the property in question is joint family property but the opposite party no.1 is raising construction over the aforesaid property which would entail the change of nature of the property in question. He has placed reliance on judgment rendered by a co-ordinate bench of this court in the case no.20965 (MS) of 2016 Waheed Ahmad vs. Mohd. Ahmad and Others to submit that in partition proceedings unless oral partition is proved, no cosharer has any right to raise construction in a joint property without consent of the cosharers.

From the perusal of the record it appears that defendants have already put in appearance in the proceedings and an application for stay has also been filed by the petitioner.

In view of the aforesaid it is directed that in case any of the parties to the proceedings have already put in appearance before the SDO Sadar, Lucknow in case no. T2022210460214835 the application for stay filed by the petitioners in the aforesaid proceedings shall be decided within a period of ten days from the date a certified copy of this order is brought on record of the proceedings in case there is no other legal impediment.

With the aforesaid writ petition is **disposed of**.

Order Date :- 19.12.2024

mks