2026:AHC:208809

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 4429 of 2026

Mukesh Kumar

.....Applicant(s)

Versus

State Of U.P. And 5 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Paritosh Sukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 82

HON'BLE JAI PRAKASH TIWARI, J.

1. Heard learned counsel for the applicant and learned A.G.A for the State as also perused the record.

2. This application under Section 529 BNSS has been filed seeking direction to the court/authority concerned for early disposal of application dated 28.02.2024 moved by the applicant before the O.P. No.2 for compliance of order dated 23.07.2022 passed by S.D.M., Soraon, Prayagraj in Case No. 17 of 2023 (Old Case No. 7076 of 2022) (Hariprasad and others vs. Raj Kumar Shukla and others), under Section 145 Cr.P.C. and further, O.P. No.2 be directed to restrain the private respondents i.e. O.P. Nos.3-6 from illegal cultivation over Araji No. 1439 and 1441 situated at Mauja Khokhari, Adampur, P.S. Nawabganj, Tehsil Soraon, District- Prayagraj.

3. Learned counsel for the applicant submits that the order dated 23.07.2022 was passed by the Sub-Divisional Magistrate, Soraon, Prayagraj, under Section 145 Cr.P.C., directing attachment of Gata Nos. 1439 and 1441. Pursuant to the said order of attachment, the property was handed over to the receiver, who was a private person. However, despite the said order of attachment dated 23.07.2022 passed by the learned S.D.M., Opposite Party Nos. 3 to 6 forcibly took possession over the aforesaid property. Thereafter, the applicant moved an application dated 28.02.2024 before the competent authority seeking appropriate relief. The said application dated 28.02.2024 is still pending and a considerable

period of time has already lapsed.

4. Considering the facts and circumstances of the case and without expressing any opinion on the merits of the case, this application is finally **disposed of** with a direction to the authority concerned to decide the aforesaid application dated 28.2.2024 in accordance with law, as expeditiously as possible, preferably within a period of one month from the date of presentation of a certified copy of this order, after affording proper opportunity of hearing to the parties without granting any unnecessary or long adjournments to either of the parties, if there is no other legal impediment.

(Jai Prakash Tiwari,J.)

October 6, 2026
KK Patel

Digitally signed by :-
KRISHN KANT PATEL
High Court of Judicature at Allahabad