2026:AHC:229120

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 39416 of 2026

Samar Nath

.....Petitioner(s)

Versus

State Of U.P. And 21 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajeet Kumar Srivastav, Amit Kumar Srivastava, Kamal Kumar Singh
Counsel for Respondent(s)	:	Bhupendra Kumar Tripathi, C.S.C.

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1.Heard learned counsel for the petitioner, Mr. Jitendra Narain Rai, learned Additional Chief Standing Counsel for the State-respondents and Mr.Bhupendra Kumar Tripathi, learned counsel for gaon sabha.

2.The instant petition has been filed for the following relief:-

> ***"i) issue a writ, order or direction in the nature of mandamus commanding the respondent no.2, Sub Divisional Officer, Shahganj, Jaunpur to decide the stay application dated 08.10.2024 in Case no. T-202414360111825 (Samar Nath vs. Gram Panchayat & others) under Section 116 of U.P. Revenue Code, 2006, in respect of Khata No.69, Gata No.149 area 0.117 hectare situated at Mauza Tighara, Pargana Anguli, Tehsil Shahganj, District - Jaunpur, within stipulated time from command of this Hon'ble Court.***
>
> **ii) issue a writ, order or direction in the nature of mandamus commanding the respondent no.2, Sub Divisional Officer, Shahganj, Jaunpur to decide the partition suit bearing Case no. T-202414360111825 (Samar Nath vs. Gram Panchayat & others) under Section 116 of U.P. Revenue Code, 2006, in respect of Khata No.69, Gata No.149 area 0.117 hectare situated at Mauza Pargana-Anguli, Tehsil Shahganj, District Jaunpur, within stipulated time from command of this Hon'ble**

Court. "

3. Learned counsel for the petitioner submitted that the suit under Section 116 of U.P. Revenue Code, 2006 filed on behalf of petitioner along with prayer for interim relief is pending before respondent no.2-Sub Divisional Officer, Shahganj, Jaunpur since 08.10.2024. He further submitted that interim protection is required during pendency of the aforementioned proceeding as defendants/respondents are intending to raise construction over the plot in question. He further placed the copy of the order sheet passed in the aforementioned suit proceeding, which is annexed as Annexure no.4 to the writ petition, in order to demonstrate that matter is not proceeding expeditiously.

4. I have considered the arguments advanced by learned counsel for the petitioner and perused the record.

5. There is no dispute about the fact that suit under Section 116 of the U.P. Revenue Code, 2006 filed on behalf of petitioner along with prayer for interim relief is pending before respondent no.2

6. Considering the circumstances of the case, interest of justice requires that aforementioned suit under section 116 of the U.P. Revenue Code, 2006 filed on behalf of petitioner should be decided in expeditious manner.

7. Considering the entire facts and circumstances of the case, the instant writ petiton is finally disposed of directing the respondent no.2-Sub Divisional Officer, Shahganj, Jaunpur to decide the aforementioned suit in accordance with law expeditiously preferably within a period of six months from the date of production of certified copy of this order. It is further directed that all pending applications in the aforementioned pending suit shall be considered and disposed of in accordance with law.

November 2, 2026
PS

(Chandra Kumar Rai,J.)

Digitally signed by :-
PRITI SHARMA
High Court of Judicature at Allahabad