

Tribhuwan vs State Of Up And 10 Others on 28 March, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44158

Court No. - 35

Case :- WRIT - C No. - 39104 of 2024

Petitioner :- Tribhuwan

Respondent :- State Of Up And 10 Others

Counsel for Petitioner :- Avdresh Kumar, Mahendra Kumar Yadav

Counsel for Respondent :- Azad Rai, C.S.C.

Hon'ble Manish Kumar Nigam, J.

1. Heard learned Standing Counsel for the State-respondents and perused the record.

2. This writ petition has been filed for following relief:-

"i) Issue, a writ, order or direction in the nature of mandamus directing the Respondent no. 3/ Sub-Divisional Magistrate, Tehsil- Handia, District-Prayagraj to conclude the Computerized Case No. T201802030405693, (Tribhuwan Vs. Chhotey Lal and others) Under Section 116 U.P. Revenue Code, pending before court of Sub-Divisional Magistrate, Tehsil-Handia, District-Prayagraj within stipulated period as prescribed by this Hon'ble Court.

(ii) Issue, a writ, order or direction in the nature of mandamus directing the respondent nos. 2, 3 & 4 to prevent the contesting respondents to develop road in the petitioner's share land Khasara No. 367 area 0.7310 hectare, situated in Village Khanapur, Tehsil -Handia, District- Prayagraj and for making any interference in

peaceful possession of the petitioner over the land in dispute, during pendency of the Computerized Case No. T201802030405693, (Tribhuwan Vs. Chhotey Lal and others) Under Section 116 U.P. Revenue Code, before Respondent no. 3, in the interest of justice."

3. From perusal of writ petition and the annexures annexed thereto, it is apparent that the aforementioned case under Section 116 of the U.P. Revenue Code, 2006 is pending since 2018 and several dates have been fixed by the Court concerned, however, till date, the same has not been decided.

4. No useful purpose would be served in keeping this petition pending.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present petition stands disposed of finally with a direction to respondent No. 3- Sub-Divisional Magistrate, Tehsil- Handia, Prayagraj to consider and decide the aforementioned case, in accordance with law, expeditiously, preferably within a period of six months from the date of production of a certified copy of this order after ensuring service upon all the opposite parties, hearing all the concerned parties and giving a reasonable opportunity of leading evidence in respect of their case provided there is no other legal impediment.

Order Date :- 28.3.2025 Nitika Sri. (Manish Kumar Nigam,J.)