

**Court No. - 39**

**Case :-** WRIT TAX No. - 206 of 2024

**Petitioner :-** Gurdeep Singh

**Respondent :-** Nagar Ayukt Nagar Nigam Moti Jheel And Another

**Counsel for Petitioner :-** Sanjay Kumar Srivastava

**Counsel for Respondent :-** Abhinava Krishna Srivastava

**Hon'ble Saumitra Dayal Singh,J.**

**Hon'ble Manjive Shukla,J.**

1. Grievance of the petitioner is, on one hand, the petitioner's appeal no. 2 of 2019 (Sardool Singh (since deceased) and another Vs. Nagar Ayukt Kanpur Nagar) has remained pending for more than four years and on the other hand the stay application filed by the petitioner on 24.01.2024 has been directed to be put up on the date fixed.

2. It has been urged, unless the stay application is heard and appropriate order is passed thereon, the very purpose of filing of appeal would stand defeated.

3. It is necessary to observe, where statutory appeals are filed after making due compliance of pre deposit condition, it is incumbent on the learned court below to pass appropriate orders on the stay application within a reasonable time. Passing of routine orders requiring the stay application to be put up on the date fixed do not serve the cause of justice.

4. Accordingly, since the appeal and the stay application have already been pending before the learned court below, no useful purpose would be served in keeping the present petition pending or calling for any counter affidavit, at this stage.

5. The writ petition is **disposed of** with the observation, subject to the petitioner filing a copy of this order before the learned court

below, appropriate date may be fixed on the stay application and a reasoned and speaking order may be passed within a period of two weeks from the date a copy of this order is placed before the learned court below.

6. Shri Abhinava Krishna Srivastava, learned counsel for the Nagar Nigam states, no coercive measures may be adopted against the petitioner for a period of four weeks.

**Order Date :- 22.2.2024**

SA

**(Manjive Shukla, J.)      (S.D. Singh, J.)**