

Court No. - 49

Case :- WRIT - C No. - 26767 of 2023

Petitioner :- Shiv Vachan

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Vijay Kumar Mishra

Counsel for Respondent :- CSC

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Vijay Kumar Mishra, learned counsel for the petitioner and Sri T.B. Gupta, learned Standing counsel for the respondents No.1 and 2 and perused the record.

2. The present writ petition has been filed, inter alia, for the following relief:

"a. issue a writ, order or direction in the nature of Mandamus directing the respondent no.2 i.e. Sub-Divisional Magistrate, Sadar, District Mau, to ensure the compliance of the order dated 28.06.2023 passed by him on the application moved by the petitioner along with his other co-sharers, under section 21/24 of the Uttar Pradesh Revenue Code, 2006 for fixing the boundaries of Arazi 922/23 comprising area 0.5720 hectare situated at Village Sarainlakhansi, Pergana Maunath Bhanjan, Tehsil Sadar, District Mau, within stipulated period as fixed by this Hon'ble Court.

b. issue any other suitable writ, order or direction which this Hon'ble court may deem fit and proper under the facts and circumstances of the case.

c. award the cost of this writ petition in favour of the petitioner."

3. Learned counsel for the petitioner submits that the case under Section 21/24 of U.P. Revenue Code, 2006 is pending for disposal before the respondent No.2 but till date no final order has been passed and because of the pendency of the said case the petitioner is facing undue hardship.

4. Sub-Section (3) of Section 24 of the U.P. Revenue Code, 2006 provides as under:

"(3). Every proceeding under this section shall, as far as possible, be concluded by the Sub-Divisional Officer within (three months) from the date of the application."

5. Learned Standing Counsel submits that he has no objection to

the extent that a direction is issued by this Court for expeditious disposal of the case within stipulated period as to be fixed by this Court.

6. Taking into consideration the facts and circumstances of the case, this Court is of the view that no useful purpose would be served in keeping this writ petition pending.

7. Accordingly, without advertng on merits of the case, with the consent of the parties, this Court deems it appropriate to finally dispose of the present writ petition with a direction to Sub Divisional Officer, Tehsil- Sadar, District- Mau (respondent No. 2), before whom the application of the petitioner is pending since June, 2023, under Section 21/24 of U.P. Revneue Code, 2006 strictly in accordance with law by a reasoned and speaking order on merit , expeditiously preferably within a period of three months from the date of receipt of a certified copy of this order.

8. With the aforesaid direction, the present writ petition is ***disposed of***.

Order Date :- 28.11.2023

Prajapati