

Court No. - 49

Case :- WRIT - C No. - 26444 of 2023

Petitioner :- Badrunisha

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Anjeet Singh

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

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Anjeet Singh, learned counsel for the petitioner, Sri Awadhesh Kumar Patel, learned Standing Counsel for respondents No.1 and 2, Sri Azad Rai, learned counsel for respondent no.3-Gaon Sabha and perused the record.

2. By means of the present petition, the petitioner has assailed the order dated 20.07.2023 by means of which Sub-Divisional Officer, Tehsil- Khaga, District-Fatehpur, remitted the matter for demarcation and called for the 'Hadbandi report' and the second prayer made by the petitioner in the writ petition is for a direction to respondent no.2 to expedite the disposal of the Case No.04033 of 2020 (Computerized Case No. T202002250304033) filed under Section 24 of the U.P. Revenue Code, 2006, which is pending before him, in a time bound manner.

3. Learned counsel for the petitioner submits that the he does not want to press the prayer no.1 as made by him in the present writ petition and he is now pressing only prayer no.2, which is confined only for writ in the nature of mandamus for expeditious disposal of the pending proceedings of the Case No.04033 of 2020 (Computerized Case No. T202002250304033), under Section 24(3) of U.P. Revenue Code, 2006.

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 counsel appearing for the State-respondents has raised a preliminary objection by contending that the said order has been passed in summary proceeding and further the petitioner has a

remedy of appeal under Section 24(4) of the U.P. Revenue Code, 2006 before the Commissioner and as such the writ petition is not maintainable.

6. Learned Standing Counsel for the State further submits that he has no objection to the extent that a direction is issued by this Court for expeditious disposal of the above mentioned proceedings within the stipulated period as to be fixed by this Court.

7. In view of the nature of the order proposed to be passed, the service of notice upon respondents No. 4 & 5 is dispensed with.

8. Taking into consideration the facts and circumstances of the case, 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- Khaga, District-Fatehpur (respondent No. 2), before whom the aforementioned proceeding is pending for disposal, to decide the Case No.04033 of 2020 (Computerized Case No. T202002250304033), under Section 24(3) of U.P. Revenue Code, 2006 strictly in accordance with law by a reasoned and speaking order on merit, expeditiously and preferably within a period of **three months** from the date of receipt of a certified copy of this order.

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

Order Date :- 16.10.2023

Anurag/-