

Court No. - 49

Case :- WRIT - C No. - 27094 of 2023

Petitioner :- Sri. Som Dutt And 2 Others

Respondent :- State Of U.P. And 97 Others

Counsel for Petitioner :- Rajesh Dutta Pandey

Counsel for Respondent :- C.S.C.,Avinash Chandra Srivastava

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Rajesh Dutta Pandey, learned counsel for the petitioners, Sri Jitendra Narain Rai, learned Additional Chief Standing Counsel representing State-respondents no. 1 & 2, Smt. Vibha Srivastava, learned Advocate holding brief of Sri Avinash Chandra Srivastava, learned counsel for the respondent No.98-Gaon Sabha and perused the record.

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

"(i) A writ of mandamus directing the respondent 2/ Additional District Magistrate (Administration) Mathura, to decide the Case No.-686/2016, as well as restoration application dated 28.02.2023, computer case No. T2016015000686, Som Dutt and others Vs. Bhojpal and others, under Section 66 of U.P. Revenue Code, 2006, pending before respondent no.-2/ Additional District Magistrate (Administration) Mathura, within stipulated period fixed by this Hon'ble court."

3. This Court vide order dated 10.10.2023 granted time to learned Additional Chief Standing Counsel appearing for the State-respondents to seek instructions in the matter.

4. Sri Jitendra Narain Rai, learned Additional Chief Standing Counsel submits that he has received written instructions from Additional District Magistrate (Administration) Mathura on 21.10.2023. On the basis of the aforesaid written instructions, he submits that the restoration application dated 28.03.2023 has already been decided on 26.09.2023 and the case has now been restored to its original number which is pending for disposal before Additional District Magistrate (Administration) Mathura-respondent no.2. He further submits that as per his instructions, 19.10.2023 was the date fixed in the case. However, he has no instructions regarding the subsequent developments after 19.10.2023.

5. Learned counsel for the petitioners has made statement that till date the proceeding has not been finally concluded and is

still lying pending before the authority concerned. Learned counsel for the petitioners submits that since the Case No. 686 of 2016 is pending since 2016 and till date the same has not been finally disposed of.

6. Rule 65 (10) of the U.P. Revenue Code Rules, 2016 provides as under:

".....The Collector shall make an endeavour to conclude the inquiry within the period not exceeding six months from the date of registration of the case and if the inquiry is not concluded within the period aforesaid the reason for the same shall be recorded. "

7. There is a clear legislative mandate that if proceedings are not concluded within stipulated period of time as provided under the aforesaid provision, reasons for the same shall be recorded.

8. Learned Standing Counsel as well as learned counsel for the Gaon Sabha submits that he has no objection to the extent that a direction be issued by this Court for expeditious disposal of the aforesaid restoration proceeding within stipulated period as to be fixed by this Court.

9. In view of the nature of the order proposed to be passed, the service of notice upon the respondent nos. 3 to 97 is dispensed with.

10. 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.

11. Accordingly, without advertent on merits of the case and with the consent of the parties, this Court deems it appropriate to finally dispose of the writ petition with a direction to the respondent No. 2, before whom the aforementioned matter is pending for disposal, to decide the Case No. 686 of 2016, strictly in accordance with law, by a reasoned and speaking order after affording opportunity of hearing to the parties concerned, expeditiously and preferably within maximum period of **six months** from the date of receipt of a certified copy of this order unless there is any legal impediment. It is further provided that no adjournments be granted to either of the parties, unless the same is unavoidable.

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

Order Date :- 26.10.2023

Anurag/-