

Court No. - 49

Case :- WRIT - C No. - 27072 of 2023

Petitioner :- Sher Singh

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

Counsel for Petitioner :- Subedar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Subedar Mishra, learned counsel for the petitioner, Sri Awadhesh Kumar Patel, learned Standing Counsel representing respondent Nos. 1 & 2 and perused the record.

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

"(i) Issue a writ, order or direction in the nature of mandamus directing the Tehsildar, Goverdhan/Respondent no. 2 to decide the case No. 876 of 2023, computerized case No. T202301500600876 (Case No. 204 of 2023) (Gram Sabha vs.Saudhan Singh-Bachoo Singh and others), under Section 67 of U.P. Revenue Code, 2006 expeditious."

3. Learned counsel for the petitioner submits that the case under Section 67 of U.P. Revenue Code, 2006 is pending for disposal before respondent No.2.

4. Sub Rule 6 of Rule 67 of the U.P. Revenue Code Rules, 2016 provides as under:

"The Assistant Collector shall make an endeavour to conclude the proceedings under Section 67 of the Code within the period of ninety days from the date of issuance of the show cause notice and if the the proceedings is not concluded within such period the reasons for the same shall be recorded."

5. 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.

6. 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.

7. In view of the nature of the order proposed to be passed, the service of notice upon the respondent Nos. 3 to 5 is dispensed with.

8. 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.

9. Accordingly, without adverting on merits of the case and with the consent of the parties, this Court deems it appropriate to finally dispose of the present writ petition with a direction to Tehsildar, Goverdhan, district Mathura (respondent No. 2), before whom the aforementioned matter is pending for disposal, to decide the Case No. 876 of 2023, computerized case No. T202301500600876 (Case No. 204 of 2023) (Gram Sabha vs. Saudhan Singh-Bachoo Singh and others), under Section 67 of U.P. Revenue Code, 2006, strictly in accordance with law, by a reasoned and speaking order on merit after affording opportunity of hearing to the parties concerned, expeditiously and preferably within a period of **three months** from the date of receipt of a certified copy of this order, unless there is any legal impediment. It is further directed that no unnecessary adjournments will be granted to either of the parties.

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

Order Date :- 19.10.2023

Sumaira