

Court No. - 49

Case :- WRIT - B No. - 2947 of 2023

Petitioner :- Nripendra Shah

Respondent :- Board Of Revenue Allahabad And 6 Others

Counsel for Petitioner :- Ashok Kumar Srivastava, Abhishek Pandey, Dharmendra Kumar Mishra, Rajeev Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Shri Ashok Kumar Srivastava, learned counsel for the petitioner and Shri Jitendra Narain Rai, learned Additional Chief Standing Counsel for State-respondents No. 1, 2 and 7.

2. By means of the present writ petition, the petitioner has challenged the judgment and order dated 25.5.2022 passed by the learned Board of Revenue, Allahabad, U.P. (respondent No. 1) in Revision bearing No. REV/847 of 2022 (Mahipal Singh and others vs. Nipendra Shah and others).

3. The present writ petition is arising out of the summary proceedings under Section 38(2) of the U.P. Revenue Code, 2006.

4. Learned Additional Chief Standing Counsel has raised a preliminary objection regarding the maintainability of the writ petition. He submits that the order impugned in the writ petition i.e. the judgment and order dated 31.1.2022 passed in the Revision No. 847 of 2022, the petitioner has filed a review petition under Section 211 of the U.P. revenue Code, 2006, which has been registered as Case No. 1704 of 2022, and the same is pending for disposal before the learned Board of Revenue-respondent No. 1.

5. Learned counsel for the petitioner after arguing the matter at some length prays for and is allowed to amend the prayer clause during the course of the day.

6. After the amendment having been carried out in the prayer clause of the memo of the writ petition, learned counsel for the petitioner made a categorical statement that at this stage he is not pressing the prayer Nos. 1 and 2 made in the writ petition. Insofar as prayer No. 5 is concerned, learned counsel for the petitioner submits that he is only pressing the prayer No. 5 of the writ petition, which is reproduced as under:-

"Issue a writ, order or direction in the nature of mandamus directing and

commanding the respondent No. 1 to decide the review petition No. 1704 of 2022 (Mahipal Singh and others vs. Nripendra Shah and others) within time bound period."

7. 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 above mentioned review petition No. 1704 of 2022, within stipulated period as fixed by this Court.

8. Considering the facts that the learned counsel for the petitioner pressing only the prayer no. 5, the service of notice upon the respondents No. 3, 4, 5 and 6 is dispensed with.

9. Para 459 of U.P. Revenue Court Manual provides as under:

"459. Expeditious disposal of review- The Court shall endeavour to finally decide the review application within a period of Ninety days from the date of filing it and if the review application is not decided within the said period, the reason for the same shall be recorded."

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

11. Accordingly, without advertng 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 Board of Revenue Allahabad, U.P. (respondent No. 1), before whom the aforementioned matter is pending for disposal, to decide the review petition No. 1704 of 2022 (Mahipal Singh and others vs. Nripendra Shah and others), 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.

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

Order Date :- 31.10.2023

Sumaira