

Court No. - 49

Case :- WRIT - B No. - 47267 of 2016

Petitioner :- Laxman And 21 Others

Respondent :- Hon Ble Member Board Of Revenue And 17 Others

Counsel for Petitioner :- Rajesh Kumar, Sunil Verma

Counsel for Respondent :- C.S.C., Hari Manish Bahadur Sinha, Rajesh Kumar, Rajesh Yadav

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Rajesh Kumar, learned counsel for the petitioners; Sri Jitendra Narain Rai, learned Additional Chief Standing Counsel for the State-respondents no.1 to 2 and Sri H.M.B. Sinha and Sri Kumar Shrestha, learned counsel for the respondent no.3-Gaon Sabha.

2. The present writ petition has been filed challenging the order dated 03.08.2016 passed by the learned Board of Revenue in Revision No. 19 of 2011-12. By means of the said order dated 03.08.2016, the learned Board of Revenue allowed the substitution application in respect of the heirs and legal representatives of the deceased revisionist no.6 namely Vijay Pal and at the same time rejected the prayer for substitution of heirs and legal representatives of the deceased complainant namely Pooran Singh.

3. Being aggrieved by the aforesaid order, the petitioners who were the allottees of the land in dispute, preferred the instant writ petition.

4. Sri H.M.B. Sinha, learned counsel appearing on behalf of the Gaon Sabha submits that the present writ petition has not been filed by the heirs and legal representatives of the complainant, namely, Pooran Singh, rather the same has been filed by the

alleged allottees. He further submits that by the impugned order no prejudice has been caused to the petitioners and as such the present writ petition is nothing but to delay the revisional proceedings pending before the learned Board of Revenue.

5. Further, the learned counsel for the petitioners submits that the respondent no.4, namely, Pooran Singh was the contesting respondent and his name was recorded in the revenue records. In para 12 of the writ petition, the petitioner has stated that the substitution application dated 01.06.2016 in respect of the death of Pooran Singh has been rejected on the ground that he was the complainant and as such there is no occasion for impleadment of his heirs and legal representatives.

6. From perusal of the record, it appears that the proceedings were initiated at the instance of Pooran Singh and he had been contesting the proceedings through out, therefore, it would be expedient in the interest of justice that the heirs and legal representatives of late Pooran Singh be substituted in his place after his death.

7. Since the matter is of the year 2016 and is pending for disposal on a trivial issue, as such 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.

8. Without adverting on the merits of the case, with the consent of the parties, this Court deems it appropriate to finally dispose of the writ petition with the direction to the learned Board of Revenue, U.P. at Allahabad (respondent no.1) to consider and pass appropriate orders in accordance with law, on the application for substitution of the heirs and legal representatives of the deceased Pooran Singh, if any such application is already pending before it,

before proceeding to decide the revision finally.

9. It is further directed that the learned Board of Revenue shall decide the revision 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 **six 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 be granted to either of the parties, if prayed for, will be permissible to be granted only in exceptional circumstances.

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

Order Date :- 5.12.2023/Abhishek Gupta