

Court No. - 49

Case :- WRIT - B No. - 3537 of 2023

Petitioner :- Ram Bachan Singh Yadav

Respondent :- Board Of Revenue And 4 Others

Counsel for Petitioner :- Anil Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

Heard Sri Anil Kumar Tiwari, learned counsel for the petitioner, Sri Anshul Nigam, learned Standing Counsel representing the State-respondent Nos. 1, 2, 3 and 5 and perused the record.

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

"(i) Issue an appropriate writ, order or direction in the nature of mandamus commanding the respondent No. 1 (court of Hon'ble Board of Revenue U.P. at Lucknow) to decide the Revision No. 1395 of 2018 (Surendra vs. Ram Bachan and another) under Section 219 of U.P. Land Revenue Act 1901, which is pending before the court of Hon'ble Board of Revenue U.p. at Lucknow since 07.06.2018, within stipulated period."

The contention of the learned counsel for the petitioner is that he is the opposite party in the revision. He submits that the petitioner is suffering hardship because of the pendency of the aforesaid case before respondent No. 1.

Para 458 of U.P. Revenue Court Manual provides as under:

"458. Speedy Disposal- (1) The court shall endeavour to finally decide the suit within a period of one year from the date of institution of the suit and if the suit is not decided within the period aforesaid, the reason for the same shall be recorded.

(2) The appellate or the revisional court shall endeavour to finally decide the appeal or revision, as the case may be, within a period of six months from the date of filing the appeal or revision and if the appeal or revision is not decided within the aforesaid period, the reason for the same shall be recorded. "

Since, 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.

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 case, within stipulated period as fixed by this Court.

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

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.

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 present writ petition with a direction to Board of Revenue U.P. at Lucknow (respondent No. 1), before whom the aforementioned matter is pending for disposal, to decide the Revision No. 1395 of 2018 (Surendra vs. Ram Bachan and another) under Section 219 of U.P. Land Revenue Act 1901, 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 will be granted to either of the parties.

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

Order Date :- 1.11.2023

Sumaira