

Court No. - 49

Case :- WRIT - B No. - 3519 of 2023

Petitioner :- Smt. Momina

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

Counsel for Petitioner :- Sanjai Singh

Counsel for Respondent :- C.S.C, Sunil Kumar Singh

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Sanjai Singh, learned counsel for the petitioner, Sri Awadhesh Kumar Patel, learned Standing Counsel representing the respondents no.1, 2 & 3 and perused the record.

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

"(i) To issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no.2 (Board of Revenue, U.P. at Lucknow) to decide the Revision No.1455 of 2008-09 (Jafar and another versus Smt. Momina and others), under Section 219 of Land Revenue Act, forthwith pending before the court of Board of Revenue, U.P. at Lucknow, within stipulated period as may be fixed by this Hon'ble Court.

(ii)

(iii)"

3. Learned counsel for the petitioner submits that he is the respondent in the said revision which is pending before the learned Board of Revenue (respondent no.2). The contention of the learned counsel for the petitioner is that the proceedings under Section 34 of the Land Revenue Act, 1901, were initiated in the year 1995-96 and since then the petitioner is under litigation. He further submits that the aforesaid revision was filed way back in the year 2009 and since then the same is pending for disposal and due to the

pendency of the aforesaid revision, he is facing undue hardship.

4. 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. "

5. 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.

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 above mentioned case, within stipulated period as fixed by this Court.

7. In view of the nature of the order proposed to be passed, the service of notice upon the respondent no.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 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 the learned Board of Revenue, U.P. at Lucknow(respondent No.2), before whom the Case No. REV/1455/2008-09 (Computerized Case No. R20091050036910)is pending for disposal, to decide the same

strictly in accordance with law, by a reasoned and speaking order on merit, after affording opportunity of hearing to the parties concerned.

10. Since the matter is quite old, it is directed that the same be decided expeditiously and preferably say 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 be granted to either of the parties, if prayed for, will be permissible to be granted only in exceptional circumstances.

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

Order Date :- 31.10.2023

Abhishek Gupta