

Court No. - 49

Case :- WRIT - B No. - 3542 of 2023

Petitioner :- Srikant Chaubey And 10 Others

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Ram Chandra Srivastava, Santosh Chaubey

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Ram Chandra Srivastava, learned counsel for the petitioners and Sri Avnees Shukla, learned Standing Counsel for the State-respondent nos. 1 & 2, Sri Kamlesh Kumar Sharma, Advocate holding brief of Sri Bhupendra Kumar Tripathi, learned counsel appearing on behalf of the respondent nos. 7 & 8 / Gaon Sabha 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 commanding the respondents concerned specially the respondent no. 2 i.e. the Board of Revenue, U.P., Prayagraj to decide the Revision bearing Case No. REV/4/2006/2007, Computerized Case No. Al2006142999927 (Srikant Vs. Lalita Devi), Varanasi Division, District Ghazipur under Section 333 of U.P.Z.A. & L.R. Act, pending before him, in accordance with law, within some stipulated time frame as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. The contention of the learned counsel for the petitioner is that the Revision bearing Case No. REV/4/2006/2007, Computerized Case No. Al2006142999927 (Srikant Vs. Lalita Devi), Varanasi Division, District Ghazipur under Section 333 of U.P.Z.A. & L.R. Act is pending before the learned Board of Revenue, U.P., Prayagraj (respondent no. 2) for order. He further submits that due to the pendency of the said revision, the petitioner 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. 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.

6. Learned Standing Counsel for the State and learned counsel for the respondent nos. 7 & 8 / Gaon Sabha submits that they have 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 nos. 3 to 6 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, with the consent of learned counsel for 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., Prayagraj (respondent no. 2), before whom the Revision bearing Case No. REV/4/2006/2007, Computerized Case No. Al2006142999927 (Srikant Vs. Lalita Devi), Varanasi Division, District Ghazipur under Section 333 of U.P.Z.A. & L.R. Act 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, expeditiously and preferably within a maximum 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 shall be granted to either of the parties.

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

Order Date :- 16.10.2023

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