

Court No. - 49

Case :- WRIT - B No. - 3548 of 2023

Petitioner :- Daya Kishan And 4 Others

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

Counsel for Petitioner :- Prem Babu Verma

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Shri Prem Babu Verma, learned counsel for the petitioners, has filed supplementary affidavit in pursuance of the order dated 27.10.2023 in the Court today, which is taken on record.

2. Heard Shri Prem Babu Verma, learned counsel for the petitioners, Shri Awadhesh Kumar Patel, learned Standing Counsel for the State-respondents no. 1 to 4 and perused the record.

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

"I. Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 25.04.2023 passed by the respondent no.2 (annexure no.6 to the writ petition) so the justice may be done with petitioners.

II. Issue a writ, order or direction in the nature of mandamus commanding the respondents not to dispossess to the petitioners from the land in dispute."

4. This writ petition has been filed assailing the order dated 25.04.2023 passed by the Board of Revenue (respondent no.2) by means of which the restoration application filed by the private respondents have been allowed and the Revision No. 1546 of 2018 has been restored to its original number.

5. The learned counsel for the petitioners after arguing the matter at some length submitted that since the aforesaid

revision is pending since the year 2018. He submitted that he does not want to keep the matter pending for adjudication for further many years to go and as such he, at this stage, is not pressing the prayers no. I & II, as made in the petition and prayed that this Court may issue a writ in the nature of mandamus directing the Board of Revenue (respondent no.2) to expeditiously decide the said pending Revision No. 1546 of 2018, on merits without any further delay.

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 aforesaid revision within stipulated period as to be fixed by this Court.

7. Para 458 (2) of the U.P. Land Revenue Court Manual, 2006 provides as under:

".....(ii) 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 for 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. "

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

9. In view of the nature of the order proposed to be passed, the service of notice upon the respondent nos. 5 to 7 is dispensed with.

10. Taking into consideration the facts and circumstances of the case, this Court is of the view that no useful purpose would be served to keep this writ petition pending.

11. 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 writ petition with a direction to the respondent No. 2, before whom the aforementioned matter is pending for disposal; to decide the revision registered as Revision No. 1546 of 2018, strictly in accordance with law, by a reasoned and speaking order 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 provided that no adjournments be granted to either of the parties, unless the same is unavoidable.

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

Order Date :- 8.11.2023

Anurag/-