

Court No. - 49

Case :- WRIT - B No. - 3609 of 2023

Petitioner :- Rajeev Kumar Gupta And 2 Others

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

Counsel for Petitioner :- Sachida Nand Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri S.N. Tripathi, learned counsel for the petitioners, Sri Jitendra Narain Rai, learned Additional Chief Standing Counsel representing the respondents no.1 & 2 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 directing and commanding the respondent no.2 to decide the Revision No. 1149 of 2020 in Computer Case No. R20201436001149 (Hakeemuddin and others versus Shairunisha) under Section 219 of U.P. Revenue Code pending before the respondent no.2 within stipulated period.

(ii)

(iii)"

3. A preliminary objection has been raised by the learned Additional Chief Standing Counsel appearing for the State that the petitioner no.1 namely Rajeev Kumar Gupta son of Ramesh Chandra is not a party to the revisional proceedings pending under Section 219 of the Land Revenue Act, 1901, before the learned Board of Revenue in Case No. REV/1149/2020/Jaunpur (Hakeemuddin and others versus Shairunisha).

4. Learned counsel for the petitioners submits that he does not

want to press the present writ petition on behalf of the petitioner no.1. He pressed the petition on behalf of other petitioners, namely, Hakeemuddin son of Mohd. Yusuf and Jubaida wife of Mainuddin. He further submits that the revision is pending for disposal since 2020 before the learned Board of Revenue.

5. 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. "

6. 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.

7. Learned Additional Chief 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.

8. In view of the nature of the order proposed to be passed, the service of notice upon the respondents no.3 to 8 is dispensed with.

9. 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.

10. 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 the learned Board of Revenue, U.P. at Lucknow (respondent No.2), before whom the Case No. 1149 of 2020 (Computerized Case No. R20201436001149) 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 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.

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

Order Date :- 4.12.2023
Abhishek Gupta