

Court No. - 49

Case :- WRIT - B No. - 3683 of 2023

Petitioner :- Suleman

Respondent :- State Of U.P. And 10 Others

Counsel for Petitioner :- Yadvendra Pratap Singh, Mayank Shekhar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi, J.

Heard Sri Mayank Shekhar Singh, learned counsel for the petitioner, Sri Anshul Nigam, learned Standing Counsel representing the respondent Nos. 1 to 4 and perused the record.

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 directing/commanding the respondent No. 2 Board of revenue U.P. at Prayagraj to expedite the second appeal no. 860 of 2018, computerized case No. AL2018095500860 (Munshi and others vs. Suleman and another) under Section 331(4) U.P. Z.A. & L.R. Act within span of time as may be granted by this Hon'ble Court."

The contention of the learned counsel for the petitioner is that the aforesaid appeal is pending since 10.4.2018. He submits that the petitioner is suffering hardship because of the pendency of the aforesaid appeal before the respondent No. 2.

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 Nos. 5 to 11 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 Prayagraj (respondent No. 2), before whom the aforementioned matter is pending for disposal, to decide the second appeal no. 860 of 2018, computerized case No. AL2018095500860 (Munshi and others vs. Suleman and another) under Section 331(4) U.P. Z.A. & L.R. Act , 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

Anjali