

Court No. - 49

Case :- WRIT - B No. - 3689 of 2023

Petitioner :- Nagendra And 4 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Satya Prakash Mishra, Ram Prakash Sharma

Counsel for Respondent :- C.S.C., Rameshwar Prasad Shukla

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri S.P. Mishra, learned counsel for the petitioners, Sri Jitendra Narain Rai, learned Additional Chief Standing Counsel representing the respondent Nos. 1 and 2 Shri Rameshwar Prasad Shukla 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 crtorari to quash the ex-parte order datd 18.5.2023 passed by the respondent No. 2 i.e. Board of Revenue U.P. at Lucknow.

(ii) Issue a writ order or direction in the nature of mandamus commandng and directing to Board of Revenue U.P. at Lucknow to decide the Review Application No. 1636 of 2023 in Re Nagendra and others vs. Gaon Sabha Khursu Khas Pagana Devgoan, Tehsil Lalganj, district Azamgarh through its Pradhan within time bound manner during the pendency of this petition, so that justice may be done.

(iii) Issue any other suitable writ order or direction in the nature of order or direction, which this Hon'ble Court may deem fit and proper under the Facts and circumstances of the case.

(iv) Award the cost in favour of the petitioners."

3. At the very outset, learned counsel for the petitioners has made a statement that he does not want to press the prayer No. 1 made in the petition.

4. Insofar as the prayer No. 2 is concerned, he has prayed for a writ in the nature of mandamus commanding and directing the learned

Board of Revenue-respondent No. 2 to decide the review application No. 1636 of 2023 In Re Nagendra and others vs. Gaon Sabha Khursu Khas Pagana Devgoan, within a time bound manner.

5. Submission of learned counsel for the petitioners is that the order dated 18.5.2023 passed by the learned Board of Revenue in revision No. REV/99/2002-2003/Azamgarh (Computerized Case No. R200314370017157 (Narendra vs. Gaon Sabha) under Section 219 of U.P. Land Revenue Act, 1901, was passed without hearing the petitioners. Against the said order, they have filed a review petition, which has been registered as Review Application No. 1636 of 2023 and the same is pending for orders since 2.6.2023. He very categorically submitted that at this stage he is pressing the prayer No. 2 alone.

6. Para 459 of U.P. Revenue Court Manual provides as under:

"459. Expeditious disposal of review- the court shall endeavor to finally decide the review application within a period of Ninety days from the date of filing it and if the review application is not decided within the said period, the reason for the same shall be recorded."

7. 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.

8. 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.

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 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 Board of Revenue U.P. at Lucknow (respondent No. 2), before whom the aforementioned matter is pending for disposal, to decide the Revision bearing No. REV/99/2002-2003/Azamgarh (Computerized Case No. R200314370017157 (Narendra vs. Gaon Sabha) under Section 219 of U.P. Land Revenue Act, 1901,, 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 **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 will be granted to either of the parties.

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

Order Date :- 2.11.2023

Sumaira