

Court No. - 49

Case :- WRIT - B No. - 3739 of 2023

Petitioner :- Vijay Kumar Yadav And Another

Respondent :- Board Of Revenue And 12 Others

Counsel for Petitioner :- Saurabh Kumar Pandey

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

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Saurabh Kumar Pandey, learned counsel for the petitioners, Sri Anshul Nigam, learned Standing Counsel representing the State-respondent nos. 1 & 11, Shri Prem Bahadur Singh, learned Advocate holding brief of Shri Rameshwar Prasad Shukla, learned counsel for the respondent no.10-Gram 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 directing the respondent no.1 to decide the Second Appeal No.-1399 of 2022, computerized case No. AL20221506001399, under Section 208 U.P. Revenue Code, 2006, within stipulated and reasonable period."

3. The submission of learned counsel for the petitioners is that the second appeal No. 1399 of 2022 is pending before the Board of Revenue (respondent no.1) and the petitioners are the respondents in the said second appeal. He submits that due to one or the other reasons the matter could not be finally decided till date and due to the pendency of the aforesaid second appeal, the petitioners are facing undue hardship.

4. Sub Rule 4 of Rule 183 of U.P. Revenue Code Rules, 2016 provides as under:

"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. 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 as well as learned counsel for the respondent-Gram Sabha 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.

7. In view of the nature of the order proposed to be passed, the service of notice upon the respondents no. 2 to 9 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 and with the consent of the parties present, this Court deems it appropriate to finally dispose of the present writ petition, with a direction to Board of Revenue, U.P. at Allahabad (respondent no.1), before whom the Second Appeal No.-1399 of 2022, computerized case No. AL20221506001399, under Section 208 of the U.P. Revenue Code, 2006; is pending for disposal, to decide the same strictly in accordance with law, 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 other legal impediment. It is further directed that no unnecessary adjournments be granted to either of the parties.

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

Order Date :- 8.11.2023//Anurag/-