Court No. - 49

Case :- WRIT - B No. - 3812 of 2023

Petitioner :- Rajnath Patel
Respondent :- Board Of Revenue And 3 Others
Counsel for Petitioner :- Manish,Gajala Srivastava
Counsel for Respondent :- C.S.C.,Bhupendra Kumar Tripathi

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Harsh Srivasatava, Advocate holding brief of Sri Maish, learned counsel for the petitioner, Sri Anshul Nigam, learned Standing Counsel representing the respondents no.1 & 2, Sri Kamlesh Kumar Sharma, Advocate holding brief of Sri Bhupendra Kumar Tripathi, learned counsel for the respondent no.3 and perused the record.

2. By means of the present writ petition, the petitioner has prayed for a writ in the nature of mandamus directing the learned Board of Revenue, U.P. at Allahabad (respondent no.1) to decide the Revision No.910 of 2021 (Computer Case No. AL2021143600910), Rajnath Patel versus Kamla Devi and others, filed under Section 219 of Land Revenue Act, 1901, within stipulated period of time.

3. The contention of the learned counsel for the petitioner is that case under Section 219 of the U.P. Land Revenue Act, 1901, is pending for disposal since 2021 before the respondent no.1. He submits that the petitioner is suffering hardship because of the pendency of the aforesaid case.

4. 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. "

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 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 respondent no.4 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 adverting 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 (respondent No.1), before whom the Case No.910 of 2021 (Computerized Case No. AL2021143600910) 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.

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

Order Date :- 23.11.2023
Abhishek Gupta

Digitally signed by :-
ABHISHEK GUPTA
High Court of Judicature at Allahabad