

Court No. - 49

Case :- WRIT - C No. - 42621 of 2023

Petitioner :- Jawahir

Respondent :- Additional Commissioner Gorakhpur And 11 Others

Counsel for Petitioner :- Arun Kumar Verma

Counsel for Respondent :- C.S.C., Sudhir Bharti

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Arun Kumar Verma, learned counsel for the petitioner, Sri Shreedhar Tripathi, learned Standing Counsel representing the respondents no. 1, 2 and 4 as well as Sri Sudhir Bharti, learned counsel appearing for Gaon Sabha-respondent no.3 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 Additional Commissioner, Gorakhpur Mandal, Gorakhpur (respondent no.1) to decide the Revision bearing Revision no. C201705001444 (Jawahir Vs. Jokhan) , District Deoria filed by the petitioner on 31.08.2107 (Annexure No.2) is pending before the Additional Commissioner, Gorakhpur Mandal, Gorakhpur (Respondent no.1) within a short period.

(ii) Issue any such and further suitable writ, order or direction which this Hon'ble Court may deem fit and proper considering all the facts and circumstances of the case.

(iii) Award the cost of this writ petition to the petitioner against the respondents."

3. Learned counsel for the petitioner submits that the case under Section 34 of the U.P. Revenue Code, 2006 is pending for disposal since 2017 before the respondent no.1.

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 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. 5 to 12 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, this Court deems it appropriate to finally dispose of the present writ petition, with a direction to Additional Commissioner-respondent no.1 decide the Revision no. C201705001444 (Jawahir Vs. Jokhan), District Deoria filed by the petitioner on 31.08.2107 (Annexure No.2) which is pending for disposal before the Additional Commissioner, Gorakhpur Mandal, Gorakhpur (Respondent no.1) 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 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 :- 8.12.2023
Prajapati