

Court No. - 49

Case :- WRIT - C No. - 42304 of 2023

Petitioner :- Ram Bahal

Respondent :- Additional Commissioner Gorakhpur Mandal,
Gorakhpur And 32 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 Hari Mohan Srivastava, learned Additional Chief Standing Counsel representing the respondents no.1 to 3; Sri Sudhir Bharti, learned counsel for the Gaon Sabha-respondent no.4 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- Additional Commissioner, Gorakhpur Mandal, Gorakhpur to decide the appeal No. C202305000000140 (Ram Bahal versus Sita Ram and others), District Deoria, within a short period.

(ii)

(iii)"

3. Learned counsel for the petitioner submits that the Appeal No. C202305000000140 is pending for disposal since 01.02.2023 before the respondent no.1 and because of the pendency of the aforesaid appeal, the petitioner is 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 Additional Chief 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 33 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, Gorakhpur Mandal, Gorakhpur (respondent no.1), before whom the Appeal No.C202305000000140 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 and the adjournment, 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 :- 14.12.2023

Abhishek Gupta