

Case :- WRIT - B No. - 3801 of 2023

Petitioner :- Ram Kishor

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

Counsel for Petitioner :- Jamwant Maurya

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Jamwant Maurya, learned counsel for the petitioner and Sri Anshul Nigam, learned standing counsel for the State-respondent nos. 1 & 2.

2. The present writ petition has been filed seeking following relief:

(i) issue a writ order or direction in the nature of mandamus directing the member, Board of Revenue at Allahabad / respondent no. 2 to decide the revision no. 221 of 2022 its computerized case no. AL2022150600221 under Section 210 of U.P. Revenue Code, 2006 (Ram Kishore & others Vs. Additional Collector F/R District Azamgarh & others) along with stay application.

(ii) To issue a writ order or direction in the nature of mandamus directing the Sub Divisional Officer, Lalganj, Azamgarh not to give effect of the proceeding in pursuance of notice dated 25.10.2023 mentioning therein case no. T202315060404586 in respect of Gata No. 59Min. situated in the village Katgharnasrullah, Tehsil Lalganj, District Azamgarh.

(iii) To issue writ order or direction in the nature of mandamus directing the concern authority not to dispossess the petitioner from the land in dispute till the pendency of revision before the respondent no. 2."

3. The contention of the learned counsel for the petitioner is that the petitioner has filed a revision against the judgment and order dated 21.10.2021 passed by Additional Collector (Finance & Revenue), Azamgarh in Case No. 643 of 2017 (Ram Kishore Vs. State), under Section 32(1) of U.P. Revenue Code, 2006.

4. This Court vide order dated 12.01.2022 passed the following order in Writ-C No. 32696 of 2021 (Ram Kishore & 2 others Vs. State of U.P. & 2 others) which is quoted below:

"However, seeing the peculiar facts and circumstances of the present writ petition, petitioner is at liberty to file a revision petition under Section 210 of the U.P. Revenue Code, 2006 before the authority competent within a period of 15 days from today along with a copy of this order, who shall consider and decide the same expeditiously, preferably within a period of six months from the date of filing of revision, as aforesaid.

For the period of seven months from today or till the revision is decided, which ever is earlier, the effect and operation of the impugned order dated 21.10.2021 passed by respondent no. 2 shall be kept in abeyance."

5. Learned counsel for the petitioner submits that the in compliance of the order dated 12.01.2022, the petitioner filed a revision before the learned Board of

Revenue within the time granted by the Court. He further submits that unfortunately the said revision was dismissed for non prosecution on 22.8.2023. However, the same was restored to its original number vide order dated 16.10.2023. He further submits that the said revision along with an application for interim relief is still pending for order / disposal.

6. The contention of the learned counsel for the petitioner is that the interim protection that was granted by this Court vide order dated 12.01.2022 passed in Writ Petition (Writ-C No. 32696 of 2021) was for a period of seven months or till the revision is decided, therefore, the R.C. Form-19 (T202315060404586) as contained in Annexure No. 21 of this writ petition, issued by the Revenue Authorities is in utter violation of the aforesaid order dated 12.01.2022.

7. 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 case within stipulated period as to be fixed by this Court.

8. In view of the nature of the proposed order to be passed, the service of notice upon the respondent nos. 3 to 9 is dispensed with.

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 advertent 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 learned Board of Revenue, U.P. at Allahabad (respondent No. 2), to decide the aforesaid Revision No. 221 of 2022, Computerized Case No. AL2022150600221 (Ram Kishore & others Vs. Additional Collector (Finance & Revenue) District Azamgarh & others), under Section 210 of U.P. Revenue Code, 2006, 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.

11. It is provided that for a period of three months from today, the petitioner shall not be dispossessed from the plot in question in pursuance of R.C. Form-19 (T202315060404586) as contained in Annexure No. 21 to this writ petition.

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

Order Date :- 23.11.2023

Arif