

Court No. - 49

Case :- WRIT - B No. - 3864 of 2023

Petitioner :- Gorakh

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Dhiraj Singh

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Anubhav Mishra, Advocate holding brief of Sri Dhiraj Singh, learned counsel for the petitioner, Sri Awadhesh Kumar Patel, learned Standing Counsel representing the respondent nos. 1 & 2 and perused the record.

2. The present writ petition has been filed by the petitioner seeking a writ in the nature of mandamus directing the learned Board of Revenue, U.P. at Allahabad / respondent no. 2 to decide the Restoration Application No. RES/316/2023, Computer Case No. AL2023052000316 (Gorakh Vs. Commissioner, Gorakhpur Division, Gorakhpur). In Re: Second Appeal No. SA/817/2019/Doeria, Computer Case No. AL2019052000817 (Gorakh Vs. Commissioner, Gorakhpur Division, Gorakhpur) which is pending for order.

3. Para 479 of the Revenue Court Manual provides as under:

"Reason for delay in disposal- If the period for concluding a proceeding has not been fixed in the Code or the Rules; the court shall endeavour to conclude the proceeding within a period of ninety days and if the proceeding is not concluded within the aforesaid period, the reason for the same shall be recorded."

4. There is a clear legislative mandate that if proceedings are not concluded within stipulated period of time as provided under the aforesaid provision, reasons for the same shall be recorded.

5. 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.

6. 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.

7. 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.

8. 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 learned Board of Revenue, U.P. at Allahabad (respondent No. 2), to decide the aforesaid Recall / Restoration Application No. RES/316/2023, Computer Case No. AL2023052000316 (Gorakh Vs. Commissioner, Gorakhpur Division, Gorakhpur). In Re: Second Appeal No. SA/817/2019/Doeria, Computer Case No. AL2019052000817 (Gorakh Vs. Commissioner, Gorakhpur Division, Gorakhpur), 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.

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

Order Date :- 22.11.2023

Arif