

Court No. - 49

Case :- WRIT - C No. - 42983 of 2023

Petitioner :- Asharfa Devi

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

Counsel for Petitioner :- Vishveshwar Mani Tripathi, Vikas Yadav

Counsel for Respondent :- CSC

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Vikas Yadav, learned counsel for the petitioner, Sri Hari Mohan Srivastava, learned Additional Chief Standing Counsel representing the respondents no.1 & 2 and perused the record.

2. The present writ petition has been filed, *inter alia*, for the following relief:

"(i) To issue a writ, order or direction in the nature of writ of mandamus directing the concerned Court i.e. Court of learned Sub Divisional Magistrate, Tehsil Khalilabad, District Sant Kabir Nagar (respondent no.2) to decide the Case No.3044 of 2023, Computer Case No. T202317650203044 (Sunder through Juganu vs. Asharfa Devi and others), under Section 116 of U.P. Revenue Code, 2006, expeditiously within a time bound period as fixed by this Hon'ble Court.

(ii)

(iii) "

3. Learned counsel for the petitioner submits that the suit under Section 116 of U.P. Revenue Code, 2006 is pending for disposal since 29.04.2023 before the respondent No.2 but till date no final order has been passed.

4. Sub Rule 10 of Rule 109 of the U.P. Revenue Code Rules, 2016

provides as under:

".....(10). The Sub Divisional Officer shall make an endeavour to decide the suit within the period of six months and if the suit is not decided within such period, the reason shall be recorded."

5. 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.

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 case within stipulated period as to be 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.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 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 Sub Divisional Magistrate, Tehsil Khalilabad, District Sant Kabir Nagar (respondent No.2), before whom the aforementioned matter is pending for disposal, to decide the Case No. 3044 of 2023 (Computerized Case No. T202317650203044), 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.

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

Order Date :- 14.12.2023

Abhishek Gupta