

Court No. - 49

Case :- WRIT - B No. - 3963 of 2023

Petitioner :- Harshvardhan Singh

Respondent :- Member (Judicial) Board Of Revenue And 7 Others

Counsel for Petitioner :- Narendra Kumar, Sushil Kumar Kushwaha

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Narendra Kumar, learned counsel for the petitioner, Sri Awadhesh Kumar Patel, learned Standing Counsel appearing on behalf of respondents no. 1, 2, 3, 4 and 5 and Sri Kamlesh Kumar Sharma, holding brief of Sri Bhupendra Kumar Tripathi, learned counsel appearing for Gaon Sabha-respondent no.8.

2. By means of present writ petition, the petitioner has prayed for a writ in the nature of certiorary quashing the impugned order dated 05.10.2023 passed by respondent no.2 in Revision No. 1270 of 2023 filed under Section 210 of the U.P. Revenue Code, 2006.

3. The submission of learned counsel for the petitioner is that the revision filed by respondents no.6 and 7 is pending before the Board of Revenue against the order dated 20.03.2023 passed by Teshildar, Tehsil Chakia, District Chandauli-respondent no.5.

4. The contention of learned counsel for the petitioner is that respondents no.6 and 7, filed an appeal under Section 34(2) of the U.P. Revenue Code, 2006 before the Sub-Divisional Officer, challenging the order dated 20.03.2023 and subsequently, challenging the same order, they have preferred Revision before the Board of Revenue, which was registered as Rev No. 1270/23, wherein an ex-parte interim order was passed in favour of respondents no. 6 and 7 on 05.10.2023 and after obtaining interim order dated 05.10.2023, the respondents no.6 and 7 withdrew the statutory appeal on 19.10.2023.

5. Further contention of learned counsel for the petitioner is that the revision filed against the order dated 20.03.2023 is not maintainable as the statutory remedy of appeal under Section 34(2) of the U.P. Revenue Code, 2006 is available.

6. After arguing the matter at some length, learned counsel for the petitioner submits that he does not want to press relief nos. 1 and 2, however, he prays that a writ in the nature of mandamus be issued directing the respondent no.1 to decide the said revision within a time frame as fixed by this Hon'ble Court.

7. 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."

8. 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.

9. 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.

10. In view of the nature of the order proposed to be passed, the service of notice upon the respondents no. 6 and 7 is dispensed with.

11. Considering the facts and circumstances, without adverting on the merits of the case and with the consent of counsels present before the Court, this writ petition is finally **disposed of** with direction to the Board of Revenue (Respondent No.1) to expeditiously decide the said Revision No. 1270/23 (Computerised Case No. R20231418001270), within the time frame as stipulated under Section 183(4) of the U.P. Revenue Code Rules, 2016.

12. It is made clear that the petitioner shall have liberty to raise all objections including the objections on the maintainability of the revision before the Board of Revenue. The Board of Revenue shall after taking into consideration the objections as well as the merits of the case shall pass appropriate orders in the case strictly in accordance with law after affording the parties full opportunity of hearing.

Order Date :- 29.11.2023

Prajapati