

Court No. - 49

Case :- WRIT - B No. - 3938 of 2023

Petitioner :- Zamir Ahmad

Respondent :- State Of U.P. And 11 Others

Counsel for Petitioner :- Devbratt Yadav, Ram Pratap Yadav

Counsel for Respondent :- C.S.C., Devbratt Yadav

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Devbratt Yadav, learned counsel for the petitioner, Sri Jitendra Narain Rai, learned Additional Chief Standing Counsel representing the respondents no.1 & 2 and perused the record.

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

"(i) To issue a writ, order or direction in the nature of mandamus commanding the respondent no.1 i.e. Board of Revenue, U.P. at Prayagraj to decide the Review Application No. 03 of 2003-2004 (Shiv Ashrey versus Zamir Ahmad) Computerized No. AL2003150699353, in time frame without any further delay, in the interest of justice.

(ii)

(iii)"

3. The submission of the learned counsel for the petitioner is that against the order dated 15.09.2003, a review petition has been filed on behalf of respondents no.4 to 12 and the same is pending for orders since 13.10.2003. It has been further submitted by the petitioner that the said review petition has been filed just to delay the implementation of the order dated 15.09.2003 passed in Revision No.50 of 1991-92.

4. Para 459 of U.P. Revenue Court Manual provides as under:

*"459. **Expeditious disposal of review-** The court shall endeavour to finally decide the review application within a period of Ninety days from the date of filing it and if the review application is not decided within the said 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.4 to 12 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 the learned Board of Revenue, U.P. at Prayagraj (respondent No. 2), before whom the aforesaid Review Application No.03 of 2003-2004 (Computerized Case No. AL2003150699353) is pending for disposal, to pass appropriate orders on 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, 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 :- 4.12.2023

Abhishek Gupta