

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 12156 of 2023

Petitioner :- Ashish Kushwaha

Respondent :- Anil Kumar Mishra

Counsel for Petitioner :- Ashwani Kumar Yadav

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioner and perused the record.
- 2.The petitioner has preferred the present petition under Article 227 of the Constitution of India inter-alia with the prayer to direct the Court below to decide the Case No.2266 of 2022 (Ashish Kushwaha Vs. Anil Kumar Mishra) expeditiously.
3. It is argued by counsel for the petitioner that as per sub Section 7 of Section 33 of the U.P. Regulation of Urban Premises Tenancy Act, 2021, the applications filed under Section 21 or Section 22 shall be decide within 90 days from the date of filing of such application before the rent authority.
4. In this view of the matter it is argued that direction be given to the Additional District Magistrate (Supply), Kanpur Region, Kanpur to decide the case No.2266 of 2022 filed under Section 21(2) of the Act, 2021 expeditiously.
5. It transpires that objections has already been filed by the other side and the dates were fixed for the evidence.
6. Very recently Hon'ble Apex Court in **Special Leave Petition (Civil) No(s). 38375 of 2023 (Mohd. Faiyaz Khan vs. State of U.P. and others)** passed an order on **27.09.2023** stating therein that unless the situation is extraordinary, the Court should not direct any Court to decide any pending case in a time-bound manner. The order dated 27.09.2023 is quoted hereinbelow :-

"Heard the learned counsel appearing for the petitioner.

Unless the situation is extraordinary, this Court should not direct any Constitutional Court or for that matter, any Court, to decide any pending case in a time-bound manner. It cannot be that those who afford to come this Court, get priority and others wait in the queue.

No case for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India. The Special Leave Petition is accordingly dismissed on ground of delay as well as on merits.

It is for the petitioner to move the High Court for expeditious hearing of the case.

Pending application(s) also stands disposed of."

7. In this view of the matter, the Court is of the opinion that since suit was filed in the year 2022 itself hence no relief could be granted to the petitioner as prayed for in the present petition.

8. In this view of the matter, present petition is dismissed.

9. However, court below is expected to decide the aforesaid case *strictly in accordance with law* as per sub Section 7 of Section 33 of the Act 2021 without granting any unnecessary adjournment to either of the parties unless there is no legal impediment.

Order Date :- 30.11.2023

Pramod Tripathi