

Court No. - 49

Case :- WRIT - C No. - 42564 of 2023

Petitioner :- Smt. Kamlesh Chaudhary

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Roopesh Kumar Mishra

Counsel for Respondent :- C.S.C.,Sunil Kumar Singh

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Roopesh Kumar Mishra, learned counsel for the petitioner, Sri Sridhar Tripathi, learned 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 mandamus directing the Up-Ziladhihari, Tehsil Modinagar, Mandal Meerut, District- Ghaziabad, to decide/expedite the Computerized Case No. T202211280206823 (Smt. Kamlesh Chaudhary versus Nirankar Singh), under Section 116 of U.P. Revenue Code, 2006 to expedite/decide the aforesaid case, which is presently pending in the Court of Up-Ziladhihari, Tehsil Modinagar, District- Ghaziabad, within stipulated period of time, which may be 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 2021 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 respondent no.3 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 Up-Ziladhikhari, Tehsil- Modinagar, Mandal- Meerut, District- Ghaziabad (respondent No.2), before whom the aforementioned matter is pending for disposal, to decide the Case No. T202211280206823, 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 and the adjournment, 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 :- 8.12.2023

Abhishek Gupta