

Court No. - 17

Case :- WRIT - C No. - 3000005 of 1994

Petitioner :- Prasiddh Narsingh Rana And Another

Respondent :- State of U.P.

Counsel for Petitioner :- S.K. Mehrotra, I.D. Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur, J.

1. Heard Sri I.D. Shukla, learned counsel for the petitioner, learned Standing Counsel on behalf of the respondents.

2. The present controversy arose out of ceiling proceedings conducted against the petitioner, who is original tenure holder. It has been submitted by counsel for the petitioner that by means of the order of prescribed authority dated 31.10.1980, the land of the petitioner was declared surplus and the petitioner preferred an appeal against this order. The appellate authority by means of the order dated 06.03.1981 had dismissed his appeal against which the petitioner had approached this Court by filing a writ petition being writ petition no. 220 of 1979 which was allowed by means of the order dated 23.4.1984 and the order dated 6.3.1981 was set aside and the matter was remitted back to the appellate authority. In the remand proceedings the appellate authority had allowed the appeal and set aside the order of the prescribed authority dated 31.10.1980. While allowing the appeal the appellate authority had observed that 16 appeals were filed out of which 8 appeals had been dismissed for want of prosecution, the remaining 8 appeals are remitted to the prescribed authority for decision afresh. It is submitted by the petitioner that his appeals have also been remitted for fresh determination. It has also been informed to this Court that by means of order dated 03.08.2023 the writ petition filed by the State of U.P., were also dismissed by the following order:-

"A perusal of the ordersheet indicates that the aforesaid matter is pending since 1992 and the present petition has been filed against the order dated 11.12.1989, whereby the appellate court had remanded the matter for a fresh adjudication.

Learned counsel for the respondents have informed the Court that several writ petitions on the same subject-matter were filed by the State Government, but all of which have been dismissed by this Court. The

details of the writ petitions are as under:

Writ-C No. 3000040 of 1992, order dated 2.2.2022; Writ-C No. 3000041 of 1992, order dated 2.2.2022; Writ-C No. 3000044 of 1992, order dated 2.2.2022; Writ-C No. 3000046 of 1992, order dated 4.4.2022; Writ-C No. 3000047 of 1992, order dated 4.4.2022; Writ-C No. 3000048 of 1992, order dated 4.4.2022; Writ-C No. 3000049 of 1992, order dated 2.2.2022; Writ-C No. 3000051 of 1992, order dated 4.4.2022; Writ-C No. 3000052 of 1992, order dated 2.2.2022; Writ-C No. 3000053 of 1992, order dated 2.2.2022.

It has further been submitted by the counsel for the respondents that merely because of pendency of the present writ petition, the Prescribed Authority is not deciding the matter since last three decades.

Considering that neither the notices have been issued in the writ petition nor is there any interim order, coupled with the fact that the petitions whereby the remand orders have been assailed, have been dismissed, there is no reason for this Court to take another view of the matter.

In the light of the above the present petition is dismissed.

The Prescribed Authority is directed to proceed and conclude the proceedings in terms of the remand order dated 11.12.1989, with expedition, in accordance with law."

4. Both the counsels have submitted that the present petition can also be decided in terms of the above order, which also related to the same matter and the same order was also impugned therein.

5. In view of the above, the present petition is also dismissed in terms of the earlier order of this Court (being Writ-C No.3000039 of 1992) and the matter is remitted to the prescribed authority for decision afresh. Considering that much time has elapsed, let the prescribed authority consider and decide all the appeals expeditiously within a period of six months from the date of production of certified copy of this order before them, in accordance with law.

(Alok Mathur,J.)

Order Date :- 20.11.2023/Vipul