

Court No. - 21

Case :- MATTERS UNDER ARTICLE 227 No. - 3218 of 2023

Petitioner :- Ram Lochan

Respondent :- State Of U.P. Thru. District Magistrate Unnao
And 3 Others

Counsel for Petitioner :- Prem Chandra Chauhan, Amrit Anand

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Dinesh Pathak, J.

Heard learned counsel for the petitioner, learned standing counsel representing respondent Nos.1 & 2, learned counsel for the Gaon Sabha and perused the record.

Instant writ petition has been filed, *inter alia*, for the following relief:

"direct the opposite party No.2 to consider and decide the objection filed against the notice under section 67(1) of U.P. Revenue Code 2006 registered as case No. 20211069050 Gaon Sabha Vs. Ram Lochan, expeditiously and within a stipulated time pending before him since 17.1.2022 in the interest of justice.

Such further order or direction in the nature of manner which deemed just and proper in the circumstances of the case."

It is submitted by learned counsel for the petitioner that the proceedings under Section 67 of the U.P. Revenue Code, 2006 is still pending consideration since the date of its filing despite the fact that statutory period for deciding the same as enunciated under rule 67 (7) of the U.P. Revenue Code Rules, 2016 has already been expired. It is further submitted that present petitioner against whom proceedings has been initiated is already appeared before the court concerned and filed his objection which is also pending for disposal.

Learned Standing Counsel as well as learned counsel for Gaon Sabha have no objection, in case, a direction is issued for early disposal of the case.

In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, this Court deems it appropriate to finally dispose of the present writ petition, without making any observation on the merits of the case as mentioned in the present writ petition, with a direction to

Tehsildar, Tehsil Bighapur (respondent No.2), before whom the aforementioned matter is pending disposal, to decide the same expeditiously, preferably, within a period of three months from the date of receipt of a certified copy of this order.

It is expected that it should be decided by a reasoned and speaking order, in accordance with law, after affording opportunity of hearing to the parties concerned without granting unnecessary adjournments to either of the parties.

Before parting the matter, learned counsel for the petitioner has prayed to grant interim protection to the petitioner inasmuch as State authorities are adamant to dispossess the petitioner from the property in question.

Considering the peculiar facts and circumstances of the present case, it is provided that till the disposal of the proceedings under Section 67 of the U.P. Revenue Code, 2006, parties are directed to maintain status quo with respect to nature and possession over the property in question.

With the aforesaid directions, present writ petition is disposed of.

Order Date :- 31.5.2023
Saurabh Yadav/-