

Court No. - 21

Case :- WRIT - B No. - 531 of 2023

Petitioner :- Mohd. Swaleh And Another

Respondent :- Board Of Revenue U.P Lko Thru. Its
Chairman And 2 Others

Counsel for Petitioner :- Jitendra Singh,Om Chandra
Sahu

Counsel for Respondent :- C.S.C.,Pankaj Gupta

Hon'ble Dinesh Pathak,J.

After due deliberation at length, learned counsel for the petitioners has pressed prayer (b) of the writ petition, which is quoted herein below:-

"(b) a writ order or direction in the nature of mandamus commanding Board of Revenue, U.P.,Lucknow to decide Revision No. 2188/2022, Mohd. Naseem Versus Mohd. Swalah & others within a period allowed by this pleasure of this Hon'ble Court."

It is submitted by the counsel for the petitioners that the revision filed on behalf of respondent no. 2 before the Board of Revenue (respondent no. 1) assailing the order dated 31.08.2022 passed by the learned Additional Commissioner (Admin.), Prayagraj Division, Prayagraj is not maintainable in the eye of law inasmuch as respondent no. 2 has already availed the remedy of revision before the learned Commissioner and the second revision filed on his behalf assailing the order passed by the learned Commissioner amounts second revision by the same party, which is barred under Section 210 of U.P. Land Revenue Act. It is further submitted that the learned Additional Commissioner (Admin.), vide order dated 31.08.2022, has remanded the matter before the trial court to re-examine the entries. However, due to pendency of the revision before the Board of Revenue, entire proceeding is held up. It is further submitted that respondent no. 1 may be directed to decide maintainability of the revision first before entering into merits of the case.

Learned Standing Counsel as well as counsel for the Gaon Sabha have no objection in case the aforesaid revision is directed to be decided within a stipulated

period as fixed by this Court.

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 the Board of Revenue (respondent no.1) to decide the revision pending consideration before it, as mentioned above, with respect to its maintainability, expeditiously, preferably, within a period of two months from the date of production of a certified copy of this order.

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

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

Order Date :- 31.5.2023

Pkb/