

Court No. - 3

Case :- MATTERS UNDER ARTICLE 227 No. - 3315 of 2023

Petitioner :- Saiyyaf Khan And Others

Respondent :- State Of U.P. Thru. Secy. Revenue Deptt., Lko.
And Another

Counsel for Petitioner :- Vijai Bahadur Verma, Ram Naresh
Singh

Counsel for Respondent :- C.S.C.

Hon'ble Subhash Chandra Sharma, J.

Heard learned counsel for petitioners, learned C.S.C. for the State and perused the record.

The present petition has been filed by the petitioner with prayer to issue a writ, order or direction to opposite party no. 2 to decide the Case No. 661 of 2023, Computer No. D2023042230000661 (Unwan Sarkar Vs. Istiyak Ahmad) as expeditiously as possible within a period of one month.

It is submitted that proceedings under U.P. Imposition of Ceiling on Land Holdings Act, 1960 were decided by Prescribed Authority on 23.09.1995 against which appeal was filed before the Additional Commissioner which was also decided on 19.09.1997 against which a Writ C No. 300003 of 1998 was filed before this Court which was decided on 25.02.2022 while allowing the petition partly in which both the aforesaid orders were quashed and matter was remanded back to the Prescribed Authority to treat the land of the petitioners in Gata No. 143 as un-irrigated and redetermine the surplus land of the petitioner thereafter. In pursuance to the aforesaid order again the proceedings were started before the prescribed authority as Case No. 661 of 2023 in which the petitioner filed his written argument on 15.4.2023 and case was fixed for further proceedings on 24.5.2023 on that date one Vindra Prasad moved an application for impleadment on which an objection was also filed by learned counsel for the petitioner and case was again fixed on 30.05.2023, since then several dates were fixed but the case has not been decided till now, therefore, request for direction to the prescribed authority to decide the case in view of observation made by this Court vide order dated 25.2.2022.

Learned C.S.C. has no objection in this regard but urged for reasonable time to decide the case.

On considering the facts and circumstances of the case, submissions made by learned counsel for petitioners as well as learned C.S.C. and perusal of record, it appears that the case was remanded back to the prescribed authority with aforesaid observation on 25.02.2023. In pursuance to which the case No. 661 of 2023 was registered and proceedings are going on, in which written argument have also been filed by the learned counsel for the petitioner but in the meantime impleadment application of one Vidra Prasad has also been filed which is to be decided by the prescribed authority after hearing both the parties and then to decide the case finally.

In my considered opinion three months time will be reasonable period for the prescribed authority to decide the case finally after giving opportunity of hearing to the parties without granting any unnecessary adjournment to either of the parties.

Accordingly, this petition is ***disposed of*** finally with direction to the prescribed authority to decide the case within a period of three months from the date of filing of certified copy of this order in the light of observation made by this Court.

Order Date :- 26.6.2023

A. Singh