

Court No. - 18

Case :- WRIT - C No. - 8677 of 2023

Petitioner :- Smt. Dulari And 8 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue, Lucknow
And 4 Others

Counsel for Petitioner :- Yogendra Singh, Anshul Kumar Gupta

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

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the petitioners, learned Standing Counsel for State-respondent and Shri Dilip Kumar Pandey, learned counsel for Gram Sabha.

Present petition has been filed with the following main relief:

"i) Issue a writ or direction in the nature of certiorari thereby quashing the impugned order dated 18.10.2022 passed by the Sub-Divisional Magistrate Tahsil Laharpur District Sitapur Opposite Party No.3 as contained in Annexure No.1 to this writ petition.

ii) Issue a writ or direction in the nature of mandamus parties commanding not to the opposite demolish the boundary wall, cutting trees and digging the land in question for construction of the base (Buniyad or Neewa) for the health sub centre till disposal of the Revision No.1107/2023 (Smt Dulari & others Vs Gawan Sabha Chndesuwa & others) pending before Addition Commissioner Division, District Sitapur. (judicia) Lucknow.

(iii) Issue a writ or direction in the nature of mandamus commanding the parties opposite not to take any coercive action against the petitioners during pendency of this writ petition."

Submission of learned counsel for the petitioners with regard to main relief sought is to the effect that the revision registered as Case No. 1107/2023 (Smt. Dulari & Others Vs. Gawan Sabha Chndesuwa & Others) was filed 03.05.2023 and an application for interim relief was filed on 02.08.2023 and in revision, several dates have been fixed however no effective order has been passed including the order on admission as also on the application of the interim relief preferred by the petitioner along with memo of revision on account of reasons beyond the control of the petitioner.

He further submitted that as per Rule 183(4) of the U.P. Revenue Code Rules, 2016 read with Para 458(2) of U.P. Revenue Court Manual, a revision or appeal should be decided preferably within a period of six months and in the instant case, even the order of

admission has not been passed, as such indulgence of this Court is required.

Taking note of the aforesaid fact that no order has been passed on application for interim relief and on admission of revision till date, this Court is of the view that the indulgence of this Court is required.

Accordingly, the present petition is disposed of with direction to the Additional Commissioner (Judicial), Lucknow Division, Lucknow to consider and decide the issue of admission as also the prayer for interim protection sought by the revisionist/petitioner, most expeditiously, after affording full opportunity of hearing to the parties say within a period of one month.

It is made clear that the Court has not examined the case of either of the parties on merits and the authority concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid, the petition is **disposed of.**

Order Date :- 12.10.2023/Mohit Singh/-