

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5279 of 2023

Petitioner :- Shyam Sunder Shukla

Respondent :- Addl. Commissioner (Judicial) Ayodhya Mandal, Ayodhya And 3 Others

Counsel for Petitioner :- Nirbhay Kumar Singh

Counsel for Respondent :- C.S.C., Mohan Singh

Hon'ble Saurabh Lavania, J.

Heard.

In view of order proposed to be passed, issuance of notice to the private-respondents is hereby dispensed with.

The present petition has been filed for the following main relief:-

"i. (i) Issue the necessary order or directions commanding the opposite party no.1 to decide pending Appeal no 01356 of 2019 computerized no 201904000001356 In re: Jiya Lal Versus Shyam Sunder Shukla & others preferred by the opp.party no.2 pending before the opp.party no.1 which is contained as annexure no.2 to the petition proceeded with the said appeal in a speedy manner and decide the same at the earliest as possible within the time to be fixed by the Hon'ble court."

In relation to main relief sought, learned Counsel for the petitioner submitted that on account of pendency of appeal challenging the order dated 27.07.2019 passed in the case instituted under Section 116 of U.P. Revenue Code 2006 for division of holdings, which is favourable to the petitioner, the petitioner is suffering great hardship and mental agony and the appeal in issue, as per ***Rule 183(4) of the U.P. Revenue Code Rules, 2016 made under U.P. Revenue Code, 2006 read with para 458(2) of U.P. Revenue Court Manual***, should preferably be decided within a period of six months. As such indulgence of this Court is required.

Learned State counsel submits that he has no objection in case an expedite order is passed.

Considering the facts and circumstances of the case, this Court is of the view that no fruitful purpose will be served in keeping this petition pending. Accordingly, this petition is disposed of with a direction to the respondent No.1/Additional Commissioner (Judicial), Ayodhya Mandal, Ayodhya, to consider and decide the Appeal no 01356 of 2019 Computerized Case No 201904000001356 (Jiya Lal Versus Shyam Sunder Shukla & others), most expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting any adjournment to either party preferably within a period of five months from the next date fixed in the case, if possible and if there is no other legal impediment in this regard.

It is made clear that the Court has not examined the case of either party 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 :- 16.10.2023

Jyoti/-