

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5079 of 2023

Petitioner :- Nisar Ahmad

Respondent :- State Of U.P Thru. Prin. Secy. Revenue, Lucknow And 46 Others

Counsel for Petitioner :- Anil Kumar Maurya, Dr. Pramod Kumar Maurya

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

Hon'ble Saurabh Lavania, J.

Notice on behalf of the respondent no. 1 and 2 has been accepted by office of learned Chief Standing Counsel and Sri Mohan Singh, learned Advocate has accepted notice on behalf of respondent no. 3-Gaon Sabha.

In view of the order proposed to be passed by this Court, notice to the private-respondents is dispensed with.

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

"(i) Issue order or direction to the opposite party no.2- Sub- Divisional Officer Tanda, District Ambedkar Nagar to decide the suit no.2958/2022 Computerized case no.T202204040302958 Nisar Ahmad Vs Iftekhar Ahmad & others in proceedings under section 116 of U.P. Revenue Code 2006 for division of holdings expeditiously at an early date."

It is stated by learned Counsel for the petitioner that petitioner is a senior citizen, aged about 74 years and the suit for division of holding instituted under Section 116 of U.P. Revenue Code 2006 (in short 'Code of 2006') is pending consideration since May 2022, though as per **Rule 109(10) of the U.P. Revenue Code Rules, 2016**, the same, should be decided preferably within a period of six months and on account of pendency of the aforesaid case, petitioner is suffering great hardship. Prayer is to direct the respondent no.2, to consider and decide the proceedings expeditiously.

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

Considering the facts and circumstances, this Court is of the opinion that no gainful purpose will be served in keeping the aforesaid petition pending rather ends of justice can be served by directing the respondent No.2 to consider and decide the pending proceedings of Suit No.2958/2022, Computerized case no.T202204040302958 (Nisar Ahmad Vs Iftekhar Ahmad & others) most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment to either of the parties preferably within a period of six months from the next date fixed before it, if possible and if there is no other legal impediment in this regard.

It is made clear that this 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 :- 10.10.2023

Jyoti/-