

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5220 of 2023

Petitioner :- Mohd. Israfeel

Respondent :- Sub Divisional Magistrate, Tehsil Patti, Pratapgarh And Another

Counsel for Petitioner :- Dinesh Kumar Ojha

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.

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

"WHEREFORE, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to direct the opp. party no. 1 i.e. Sub-Divisional Officer to expedite and conclude the proceedings U/s 24 of the U.P. Revenue Code 2006 in Computerised Case no. T-202202570404603 in re "Mohd. Israfeel Vs. Gaon Sabha" pending in the court of Sub-Divisional Magistrate Tehsil - Patti, District - Pratapgarh as well as decide the application dated 2.8.2023 for measurement and delivery of the possession of the land gata no. 212 measuring area 1.307 Hect. situated at Village Bibiakaranpur, Pargana & Tehsil - Patti, District Pratapgarh within a stipulated period fixed by this Hon'ble Court in the interest of justice, which is contained as Annexure No. 1 with this petition."

Contention of learned Counsel for the petitioner is that in a case instituted under Section 24 of U.P. Revenue Code, 2006, the final order was passed on 16.07.2022 and thereafter an application for recall of order dated 16.07.2022 was preferred, which was rejected on 01.12.2022 and now final order dated 16.07.2022 has to be executed in terms of **Rule 22 of U.P. Revenue Code Rules, 2016** (in short 'Rules of 2016'), as per which particularly **Sub Rule 12 of the Rules of 2016**, the pillars should be fixed within a week from the date of final order. As such, indulgence of this Court is required.

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/Sub Divisional Officer, Tehsil Patti, District Pratapgarh, to conclude the proceedings of Computerised Case no. T-202202570404603 (Mohd. Israfeel Vs. Gaon Sabha) as per law, most expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting any unnecessary adjournment to either party preferably within a period of three 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 this 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 :- 13.10.2023

Jyoti/-