

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5136 of 2023

Petitioner :- Devi Prasad

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

Counsel for Petitioner :- Rajesh Kumar

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

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the parties.

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

By means of this petition, the petitioner seeks expeditious disposal of Case No. T202204040301992 (Report Lekhpal vs. Gram Sabha and others), filed under Section 38 of U.P. Revenue Code, 2006, which is pending before the respondent No. 2/Up-Zila Adhikari, Tehsil Tanda, District Ambedkar Nagar.

The submission of petitioner's counsel is that on an application preferred by the petitioner and others, a report was submitted by the concerned Lekhpal before the respondent No. 2 and on the said report, in terms of the order of the respondent No. 2 dated 24.05.2022, the case was registered under Section 38(2) of U.P. Revenue Code, 2006, which is pending as Case No. T202204040301992 (Report Lekhpal vs. Gram Sabha and others). The case, in issue, relates to correction of revenue records and it should be decided expeditiously, as in view of Rule 36(6) of U.P. Revenue Code Rules, 2016, the case of such nature should be decided preferably within a period of 45 days and in the instant case, the same is pending since May, 2022 and on account of pendency of the same, the petitioner is suffering great hardship and mental agony. In these circumstances, indulgence of this Court is required in the matter. The prayer is to expedite the proceedings of pending case.

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.2 to consider and decide the Case No. T202204040301992 (Report Lekhpal vs. Gram Sabha and 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 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 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 :- 11.10.2023

Arun/-