

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5188 of 2023

Petitioner :- Mohd. Azam

Respondent :- Sub Divisional Magistrate, (Judicial), Bikapur, Ayodhya And 16 Others

Counsel for Petitioner :- Bipin Kumar Tiwari

Counsel for Respondent :- C.S.C., Shobh Nath Pandey

Hon'ble Saurabh Lavania, J.

Heard Ashish Kumar Upadhyay, Advocate holding brief of Shri Bipin Kumar Tiwari, learned counsel for the petitioner, learned Standing Counsel for State-respondents and Shri Shobh Nath Pandey, learned counsel for respondent no. 6.

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 expeditious disposal of pending Suit No. 129/2023 filed under Section 144 of U.P. Revenue Code, 2006 in the year 2023, as such, the petitioner has approached this Court seeking a direction to decide the suit, in issue, at an early stage of proceedings. As such, the present petition for the main relief sought, at this stage, is not maintainable. In this regard, reference can be made to the judgments passed by the Division Bench of this Court in the cases of **Km. Shobha Bose v. Judge Small Causes & Ors., 2011 (88) ALR 850** and **Ali Shad Usmani & Ors. v. Ali Isteba & Ors. 2015 (109) ALR 513**.

After considering the case of the petitioner in the light of the parameters laid down by this Court in the cases of **Km. Shobha Bose (Supra)** and **Ali Shad Usmani (supra)**, this Court is of the view that no direction, at this stage, can be issued to the Authority concerned to decide the above mentioned suit within the certain time frame.

In view of above, the relief, as prayed for in this petition, cannot be granted at this stage. As such, the present petition is **dismissed** with the liberty to file afresh at appropriate stage.

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

It is expected that the opposite party no. 1 shall make all endeavor to conclude the proceedings, in issue, in terms of Para 458(1) of the U.P. Revenue Court Manual which says "the suit should be decided preferably within a period of one year".

Order Date :- 12.10.2023/Mohit Singh/-