

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5320 of 2023

Petitioner :- Radhey Shyam

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

Counsel for Petitioner :- Rakesh Sharma

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 has sought the following main reliefs:-

"I. To issue writ order or direction in the nature of Mandamus commanding the Opposite Party No.2 to decide the Revision No. 1293/2023 under section 210 UP Revenue Code-2006 (Surendra Kumar Vs Radhey Shyam & Ors) pending in the court of Addl. Commissioner (Judicial), Ayodhya Division, Ayodhya/Opp.Party No.2 expeditiously as early as possible in the interest of justice.

II. To issue writ order or direction in the nature of Mandamus commanding the Opposite Party No.2 to ensure that the peaceful possession of the petitioner is not disturbed by the Opp.party No.5."

With regard to main reliefs sought in this petition, the submission of petitioner's counsel is that the petitioner is a senior citizen aged about 63 years and he has been impleaded as opposite party No. 1 in the revision, which was preferred by the respondent No. 5/Surendra challenging the order dated 08.06.2023 passed in Case No. 2075 of 2022 instituted in the month of June, 2023 under Section 66 of U.P. Revenue Code, 2006 (in short "Code of 2006") by the Chief Revenue Officer, District Sultanpur, however, till date no effective order has been passed on the same including the order of admission of revision, though, three months have elapsed and as per Rule 183(4) of the U.P. Revenue Code Rules, 2016 made under U.P. Revenue Code, 2006 and para 458(2) of U.P. Revenue Court Manual, a revision or appeal should be decided preferably

within six months. On account of pendency of the same, the petitioner is suffering great hardship and mental agony. Prayer is to direct the Authority concerned to decide the revision within stipulated time.

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

Considering the facts of the case including that the petitioner is a senior citizen, 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/ Additional Commissioner (Judicial), Ayodhya Division, Ayodhya to consider and decide the Revision No. 1293/2023 (Surendra Kumar vs. Radhey Shyam 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 six months from the next date fixed in the case, 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 :- 17.10.2023

Arun/-