

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5312 of 2023

Petitioner :- Ram Bhawan

Respondent :- Sub Divisional Magistrate, Tehsil-Sadar, Faizabad And 5 Others

Counsel for Petitioner :- Vijayendra Prakash Tripathi

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 relief:-

"WHEREFORE, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to direct the opposite party no.1 to decide the case no. D-202304230001975 titled "Ram Bhawan Vs Radheshyam and others" under section 176 of U.P.Z.A. & L.R. Act 1950 pending before him since 27/11/2015 as early as possible, in the interest of justice."

Considering the fact that the petitioner is a senior citizen aged about 73 years and the suit instituted for partition/division of holdings under Section 176 of U.P. Z.A. & L.R. Act, 1950 (in short "Act of 1950") in the year 2015 has not been disposed of till date as also taking note of the fact that considering the delay in disposal of the cases of such nature in the Rule 109(10) of U.P. Revenue Code Rules, 2016 made under the U.P. Revenue Code, 2006 applicable w.e.f. 11.02.2016, the time limit has been prescribed, as per which, a suit preferred for partition/division of holdings should preferably be decided within a period of six months, this Court is of the view that indulgence of this Court is required in the matter.

Accordingly, this petition is disposed of with a direction to the respondent No.1/Sub Divisional Magistrate, Tehsil-Sadar, Faizabad to consider and decide the Case No. D-202304230001975 (Ram Bhawan Vs Radheshyam 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/-