

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5334 of 2023

Petitioner :- Wakeel Ahmad

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue,
Lucknow And 2 Others

Counsel for Petitioner :- Anand Kumar Yadav, Katyayan
Mishra

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.

Present petition has been filed for the following main relief:-

"To issue a command, order or direction in the nature of commanding the opposite party no.2/ Sub Divisional Magistrate, Kaiserganj, Bahraich may be directed to expedite and decide the Case under section 80 of U.P.R.C., 2006, entitled as Wakil Ahmad Versus State expeditiously which was pending since 22.11.2022 expeditiously as early as possible in the interest of justice."

It has been stated that an application dated 22.11.2022 under Section 80 of the U.P. Revenue Code, 2006 was preferred by the petitioner before the opposite party No.2 and the said application has already been entertained, as would appear from the order dated 23.11.2022, a copy of which is annexed as annexure No.2 to the present petition and further, a report dated 17.07.2023 in regard to the application of the petitioner has been submitted and thereafter, the opposite party No.2 has again called a report vide his order dated 27.09.2023, which is evident from annexure No.3 to the present petition and he further submitted that almost a year has elapsed, but, till date the application preferred by the petitioner has not been disposed of. As such, present petition has been filed.

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

Considering the facts and circumstances of the case as also the Rule 88(4) of the U.P. Revenue Code Rules, 2016 made under the U.P. Revenue Code, 2006, according to which, the application preferred under Section 80 of the Code, 2006, shall

be decided within 45 days, 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-Sub Divisional Magistrate, Kaiserganj, District-Bahraich to consider and decide the Application/Case, in issue, 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 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 :- 18.10.2023

Vinay/-