

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5307 of 2023

Petitioner :- Shree Prakash Singh

Respondent :- District Collector, Rae Bareilly And 2 Others

Counsel for Petitioner :- Ajit Singh, Surya Narayan Singh

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the petitioner, learned counsel for the State as also Sri Dilip Kumar Pandey, learned counsel for the Gaon Sabha.

In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.

By means of this petition, the petitioner seeks expeditious disposal of Case No.71/07-2008 filed under Section 229-B of the U.P. Z.A. & L.R. Act, 1950 (in short "Act of 1950") pending before the respondent No.2.

Contention of the learned counsel for the petitioner with regard to the main relief sought is that the suit for declaration of rights instituted in the year 2007 under Section 229-B of the Act of 1950 has not been disposed of till date and is pending as Case No.71/07-2008 before the respondent No.2-Deputy District Collector, Lalganj, District-Rae Bareilly.

He further submitted that taking note of delay in disposal of such type of cases in Para 458(1) of the U.P. Revenue Court Manual, time has been prescribed, according to which, the suit of such nature should be decided preferably within a period of one year.

It is further submitted that taking note of the period of pendency of the suit as also Para 458(1) of the U.P. Revenue Court Manual, indulgence of this Court is required in the matter.

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-Deputy District

Collector, Lalganj, District-Rae Bareli to consider and decide Case No.71/07-2008, 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 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 :- 17.10.2023

Vinay/-