

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5377 of 2023

Petitioner :- Mangal Prasad

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue, Lko. And 6 Others

Counsel for Petitioner :- Shubham Mishra, Ravindra Nath Pandey

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

Hon'ble Saurabh Lavania, J.

Heard learned Counsel for the petitioner, learned State Counsel and Ms. Riya Pandey, learned Advocate holding brief of Sri Dilip Kumar Pandey, learned Counsel appearing for Gaon Sabha.

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 the following main reliefs:-

"i. Issue a order or direction by commanding the opp. Party no. 5 to register the recall and substitution application of the petitioner regarding case no. 317/10/11 under section -33/39 L.R. Act, state Vs. Chhota relating to village Purab Kalli Pargana Bijnore Tehsil and District Lucknow and hear and decide the same in the interest of justice.

ii. Issue a order or direction by commanding the opp. Parties concerned to take the necessary action in respect of grievances of the petitioners raised in their application dated 19.06.2023 contained in Annexure No. 1 to this petition in accordance with law in the interest of justice."

With regard to main prayer sought, quoted above, it has been indicated that in terms of order dated 21.06.2012 passed by Additional Commissioner (Judicial), Lucknow Division, Lucknow in Revision No. 692/11-12 (Mangal Prasad Versus Land Management Committee and Others) filed under Section 219 of U.P. Land Revenue Act 1901 (in short 'Act of 1901), the petitioner Mangal Prasad preferred an application for substitution dated 28.12.2012 (Annexure No. 5 to the present petition) and thereafter another application dated 11.05.2023 alongwith an application for condonation of delay was preferred on the same subject, however, till date no order has been passed on these application(s), as such the present petition.

Considering the aforesaid including the order dated 21.06.2012 passed by Additional Commissioner (Judicial), Lucknow Division, Lucknow as also that application in terms of the order dated 21.06.2012 was preferred way back in the year 2012 itself, this Court finds that indulgence of this Court is required.

Accordingly the present petition is disposed of with direction to respondent No.-5/Sub Divisional Magistrate/Officer, Tehsil Lucknow, District Lucknow to consider and decide the pending application(s) preferred by the petitioner, most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment, preferably within a period of three months from the next date fixed before it, if there is no other legal impediment in this regard.

It is made clear that the Court has not examined the case of either of the parties 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

Jyoti/-