

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5396 of 2023

Petitioner :- Smt. Vindeshwari

Respondent :- State Of U.P. Thru. Prin. Secy., Deptt. Of Revenue, Lucknow And 8 Others

Counsel for Petitioner :- Satish Kumar Sharma

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

Hon'ble Saurabh Lavania, J.

Heard.

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 relief:-

"i. To direct the opposite party No. 2, Additional Commissioner (Judicial), Lucknow Division, Lucknow to decide the Appeal No. 717 of 2005-2006, Smt. Vindeshwari Vs. Nirmala Devi & another, under Section 331 of the U.P.Z.A. Act is pending since 2006 expeditiously preferable within a stipulated period as fixed by this Hon'ble Court in the interest of justice.

ii. To direct the opposite party No. 5 to stop/implement the mutation proceeding filed by opposite party No. 8 in relation with land Gata No. 80 area 0.117 hectare, Gata No. 110 area 0.024 hectare, Gata No. 111 area 0.283 hectare, Gata No. 154 area 0.024 hectare during the pendency of appeal in the court of Additional Commissioner (Judicial), Lucknow Division Lucknow."

Considering the facts of the case that appeal was filed in the year 2006 and the same was dismissed for want of prosecution in the year 2009 and thereafter it was restored in the year 2011 and after restoration, the appeal is pending till date though almost 12 years have elapsed, this Court is of the view that indulgence of this Court is required.

Accordingly the present petition is disposed of with direction to respondent no.2/Additional Commissioner (Judicial), Lucknow Division, Lucknow, to consider and decide the Appeal No. 717 of 2005-2006 (Smt. Vindeshwari Vs. Nirmala Devi & another) most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment, preferably within a period of six 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 :- 19.10.2023

Jyoti/-