

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5424 of 2023

Petitioner :- Bechu Lal

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

Counsel for Petitioner :- Sonu Gupta, Syed Mohammad Abid

Counsel for Respondent :- C.S.C., Mohan Singh

Hon'ble Saurabh Lavania, J.

Notice on behalf of the respondent nos. 1 and 2 has been accepted by office of learned Chief Standing Counsel and Sri Mohan Singh, learned Advocate has accepted notice on behalf of respondent no. 17-Gaon Sabha.

Heard.

At the very outset, learned Counsel for the petitioner stated that inadvertently certain error has been crept in the prayer clause and he may be permitted to correct the same.

To the aforesaid, learned Standing Counsel has no objection.

The prayer for correcting the date in the prayer clause is allowed. Learned Counsel for the petitioner is directed to correct the date in the prayer clause, during the course of the day.

In view of order proposed to be passed, issuance of notice to the private-respondents is hereby dispensed with.

In view of the order proposed to be passed by this Court, notice to the private-respondents is dispensed with.

By means of the instant petition, the petitioner seeks expeditious disposal of Case No. 01304 of 2021, Computerized Case No. T202104710801304 (Bechu Lal Versus Dharmendra Pratap and Others) under Section 116 of the U.P. Revenue Code, 2006 (in short 'Code of 2006') pending before the respondent No.2/ Sub Divisional Magistrate, Tiloi, Tehsil Tiloi, District Amethi, pending since February 2021.

It is stated that as per **Rule 109(10) of the U.P. Revenue Code Rules, 2016**, a suit for partition should be decided preferably within a period of six months, however, in the instant case, the case is pending since February 2021 and on account of pendency of the aforesaid case, petitioner is suffering great hardship. In these circumstances, indulgence of this Court is required. Prayer is to direct the respondent no.2, to consider and decide the proceedings expeditiously.

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

Considering the facts and circumstances, this Court is of the opinion that no gainful purpose will be served in keeping the aforesaid petition pending

rather ends of justice can be served by directing the respondent No.2 to consider and decide the pending proceedings of Case No. 01304 of 2021, Computerized Case No. T202104710801304 (Bechu Lal Versus Dharmendra Pratap and Others) most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment to either of the parties preferably within a period of six months from the next date fixed before it, 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 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/-