

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5411 of 2023

Petitioner :- Hari Shyam Yadav

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue, Lko. And 5 Others

Counsel for Petitioner :- Niyaj Ahmad

Counsel for Respondent :- C.S.C., Rajendra Nath

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the petitioner.

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

By means of this petition, the petitioner has sought the following main relief:-

"(i). issue a direction to the opposite party No. 2, i.e. Sub-Divisional Officer, Tanda, Ambedkar Nagar to decide the Case No. T202304040302567 "Hari Shyam Versus Radhey Shyam & others", under section 144 of U.P. Revenue Code 2006, pending in the court of Sub-Divisional Officer, Tanda, District- Ambedkar Nagar expeditiously within stipulated period as early as possible, pending since 11.10.2022."

The present petition has been filed for expeditious disposal of pending Case No. T202304040302567 (Hari Shyam Versus Radhey Shyam & others), and cases of such nature as per para **458(1) of U.P. Revenue Court Manual**, should be decided preferably within a period of one year and accordingly the petitioner has approached this Court seeking a direction to decide the suit, in issue, at an early stage of proceedings. As such, the present petition for the main relief sought, at this stage, is not liable to be entertained. In this regard, reference can be made to the judgments passed by the Division Bench of this Court in the cases of **Km. Shobha Bose v. Judge Small Causes & Ors., 2011 (88) ALR 850 and Ali Shad Usmani & Ors. v. Ali Isteba & Ors. 2015 (109) ALR 513.**

After considering the case of the petitioner in the light of the parameters laid down by this Court in the cases of **Km. Shobha Bose (Supra) and Ali Shad Usmani (supra)** and also **para 458(1) of U.P. Revenue Court Manual**, this Court is of the view that no direction, at this stage, can be issued to the court concerned to decide the above mentioned suit within the certain time frame.

In view of above, the relief, as prayed for in this petition, cannot be granted at this stage. As such, the present petition is disposed of with liberty to the petitioner to move an appropriate application for expediting the proceedings of the pending case before the court concerned and in case, such an application is moved, then the court concerned shall pass appropriate orders on the same within reasonable time in accordance with law.

It is made clear that the Court has not examined the case of either party on merits and the Authority/Court 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/-