

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5504 of 2023

Petitioner :- Akhilesh Kumar

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

Counsel for Petitioner :- Lalji Yadav, Vishnu Prakash

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the parties.

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 seeks expeditious disposal of Case No. 2298/2022, Computerized Case No. T202202570102298 (Rajwati vs. Akhilesh Kumar and others) filed under Section 116 of U.P. Revenue Code, 2006, which is pending before the respondent No. 2/Sub-Divisional Officer, Tehsil Kunda, District Pratapgarh.

It is stated that as per Rule 109(10) of U.P. Revenue Code Rules, 2016 made under the U.P. Revenue Code, 2006, a suit for partition preferred under Section 116 of the Code of 2006 should preferably be decided within a period of six months. However, in the instant case, the case, in issue, has not been disposed of till date despite the fact that the same is pending since May, 2022 and on account of pendency of the same, the petitioner is suffering great hardship and mental agony. In these circumstances, indulgence of this Court is required in the matter. The prayer is to expedite the proceedings of pending case.

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 to consider and decide the Case No. 2298/2022, Computerized Case No. T202202570102298 (Rajwati vs. Akhilesh Kumar and others) 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 there is no other legal impediment in this regard.

It is made clear that the 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 :- 19.10.2023

Arun/-