

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5463 of 2023

Petitioner :- Janki Devi

Respondent :- State Of U.P. Thru. Addl. Chief Secy., Home Deptt., Lko. And Others

Counsel for Petitioner :- Bhanu Pratap Singh

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

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the parties.

The present petition has been filed seeking following main relief:-

"Issue an order or direction to the opposite party no.2 i.e. Sub Divisional Officer, Mahsi, Bahraich to consider and decide the eviction suit no.3987/2023, computerized case no.T202308150403987, under section-134 of the U.P. Revenue Code, 2006, Janki Devi Vs. Kailash & others, filed by the petitioner, pending before him, within the period stipulated by this Hon'ble Court, in the interest of justice."

At the very outset, learned State counsel stated that the petitioner in regard to main relief sought in this petition has approached this Court too early as the case, in issue, was filed in the month of May, 2023 before the Court concerned. He also submitted that as per Para 458(1) of the U.P. Revenue Court Manual, suit of such nature should be decided preferably within a period of one year. As such, at his stage, petitioner is not entitled to main relief sought.

In support of his submission, learned State counsel has placed reliance on the judgments passed by the Division Bench of this Court in the case 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**. The prayer is to dismiss the petition.

Considering the aforesaid, this Court is of the view that the main relief 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. Petitioner is also at liberty to approach this Court at appropriate stage after taking note of Para 458(1) of the U.P. Revenue Court Manual.

Order Date :- 19.10.2023/Vinay/-