

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5665 of 2023

Petitioner :- Arunesh Chanra

Respondent :- Sub Divisional Magistrate, Sawayajpur, Hardoi And Others

Counsel for Petitioner :- Harsh Mohan, Sarvesh Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

At the very outset, learned Counsel for the petitioner stated that inadvertently the proper necessary opposite party could not be arrayed in the memo of petition and as such he may be permitted to implead the proper opposite party.

Learned State Counsel has no objection to the prayer made by the learned Counsel for the petitioner.

Accordingly, the petitioner is permitted to implead the necessary opposite party during the course of the day.

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

Present petition has been filed for the following main reliefs:-

"i. Issue an, order or direction commanding the opposite party No.1 to decide the interim relief application along with Partition Case No.7561/2022 Computrized Case No. T202210330507561 under section 116 U.P Revenue code-2006 Arunesh Chandra versus Rakshpal pending before Sub Divisional Magistrate Sawayajpur, District Hardoi/opposite party No.1 with in two weeks or on the next fixed date or as soon as possible in the interest of justice.

ii. Issue an, order or direction commanding the opposite party No. 3-6 not to alinate the property in question and also not to disturb the peaceful possession of the petitioner over the land in dispute till disposal of the Partition Case No.7561/2022 Computrized Case No. T202210330507561 under section 116 U.P Revenue code-2006 Arunesh Chandra versus Rakshpal, pending before Sub divisional Magistrate Sawayajpur, District Hardoi/opposite party No.1 in the interest of justice.

iii. Issue an, order or direction commanding the opposite party No.2 not register any sale deed regarding the land in dispute till disposal of the Partition Case No.7561/2022 Computrized Case No. T202210330507561 under section 116 U.P Reverne code-2006 Arunesh Chandra versus Rakshpal pending before Sub Divisional Magistrate Sawayajpur, District Hardoi/opposite party No.1 in the interest of justice"

Taking note of the facts that suit for partition filed under Section 116 of

U.P.Revenue Code, 2006 (in short "Code of 2006") as Case No.7561/2022 Computerized Case No. T202210330507561 (Arunesh Chandra versus Rakshpal), which was instituted in November 2022, has not been disposed of till date though 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 as also that on the application seeking interim protection preferred by the petitioner in the case in issue on 28.07.2023 no effective order has been passed till date, the present petition is disposed of with the direction to respondent No.1/Sub Divisional Magistrate, Sawayajpur, District Hardoi to consider and decide the interim relief application within two months from the next date fixed in the matter, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment to either of the parties, if possible and if there is no other legal impediment in this regard.

It is expected that the respondent no. 1 shall also make all endeavour to conclude the proceedings, in issue, within six months.

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 observations/directions, the petition is ***disposed of***.

Order Date :- 6.11.2023

Jyoti/-