

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5612 of 2023

Petitioner :- Gulaba

Respondent :- Additional Collector Judicial, Barabanki And Others

Counsel for Petitioner :- Suresh Kumar Yadav

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

Hon'ble Saurabh Lavania,J.

Heard.

In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.

The present petition has been filed for the following main relief:-

"i) To, issue a Direction to the Respondent no. 1 / Additional Collector (Judicial), District Barabanki to decide the case vide Case No. D201804120001129 (Kamlesh Kumar vs. Rafeek and others) under section 128 of U.P. Revenue Code, 2006, pending before him since 12.04.2018 at an early date after hearing the parties concerned, in a given time frame fixed by this Hon'ble court."

Considering the facts, as appeared from the records, that an application under Section 128 of U.P. Revenue Code, 2006 (in short 'Code of 2006') was preferred by one Kamlesh Kumar (respondent no.3) praying therein that 'Patta' allotted to Rafiq and Gulabo be cancelled and this application is pending as Computerized Case No. D201804120001129 (Kamlesh Kumar vs. Rafeek and others) and it further appears that during the pendency of the same, Rafeek expired and thereafter an application for substitution was preferred by the applicant (respondent no.3), which has not been disposed of till date and on account of pendency of the case, the petitioner being a senior citizen, aged about 78 years, is suffering great hardship and mental agony, the present petition is disposed of with direction to opposite party no.1/Additional Collector (Judicial), District Barabanki, to consider and decide the pending Case in issue, detailed above, most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment, preferably within a period of eight months from the next date fixed before it, 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 :- 2.11.2023

Jyoti/-