

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5607 of 2023

Petitioner :- Mohammad Sharif

Respondent :- Court Of Settlement Officer Consolidation (First) Barabanki And Others

Counsel for Petitioner :- Rekha Srivastava, Amit Bhardwaj

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 parties could not be impleaded and also the case number could not be corrected in the memo of petition and as such he may be permitted to implead the proper opposite parties and also to correct the appeal number during the course of the day.

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 parties as also to correct the case number of the appeal, during the course of the day.

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 direct to the opposite part no. 1 i.e. Court of Settlement Officer Consolidation (first) Barabanki to expeditiously decide the old Appeal No. 931 and new Appeal No. 767/2023 Mohd Sharif and others versus Israr Ali and others under section 11 (1) of Consolidation of Holding Act - 1953 which is pending before the Court of Settlement Officer Consolidation (first) Barabanki since 29.08.2023 according to law within time stipulated by this Hon'ble Court, in the interest of justice."

Considering the facts as indicated in the present petition as also that appeal in issue was instituted in the month of December 2019 and almost 4 years have elapsed, but the same have not been disposed of till date and on account of pendency of said case, noted above, the petitioner, who is senior citizen and other litigants are suffering great hardship and mental agony, the present petition is disposed of with direction to opposite party no.1/Court of Settlement Officer Consolidation (First) 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 six 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/-