

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5638 of 2023

Petitioner :- Jaypal Singh

Respondent :- Board Of Revenue, U.P., Lucknow Thru. Member And Another

Counsel for Petitioner :- Adarsh Singh, Shubham Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

At the very outset, learned Counsel for the petitioner stated that inadvertently due to typographical error statutory provision, could not be corrected and he may be permitted to correct the same 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 correct the provisions in the memo of petition, during the course of the day.

In view of order proposed to be passed, issuance of notice to the private-respondents is hereby dispensed with.

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

"(i) to direct the opposite party No. 1 i.e. Board of Revenue, Lucknow to decide the Second Appeal No. 677 of 2022, Harkesh Singh vs Jaypal Singh and Others, U/s 208 U.P. Revenue Code expeditiously preferable within a stipulated period fixed by this Hon'ble Court."

It is stated that as per Rule 183(4) of the U.P. Revenue Code Rules, 2016 made under U.P. Revenue Code, 2006 read with para 458(2) of U.P. Revenue Court Manual, an appeal or revision should preferably be decided within a period of six months. However, in the instant case, the appeal is pending since 2022 and on account of pendency of the same, the petitioner, is suffering great hardship and mental agony. Prayer is to direct the authority concerned to decide the case within stipulated time.

It is further submitted that though a large number of dates have been fixed, however, for the reasons beyond control, the matter has not yet been decided.

Learned standing counsel submits that he has no objection in case an expedite order is passed.

In view of above, the instant petition is disposed of with a direction to the Authority concerned to decide the pending appeal within 6 months from the next date fixed in the matter, if there is no other legal impediment in this regard after providing proper opportunity of hearing to the parties to the litigation. For conducting the proceedings in the time specified, unnecessary adjournments be avoided.

It is made clear that the 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, the petition is **disposed of**.

Order Date :- 3.11.2023

Jyoti/-