

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5658 of 2023

Petitioner :- Panch Bahadur

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

Counsel for Petitioner :- Vijay Bahadur 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 reliefs:-

"(1) To direct the learned opposite party No.2 i.e. Sub- Divisional Magistrate, Kadipur District Sultanpur to decide Case No.T202204680704279 "Beerbali Vs. Gram Panchayat Gosaisinghpur and others", filed by the opposite party No. 3 before the opposite party No. 2 on 13.01.2021 within stipulated period as framed by this Hon'ble Court, in the interest of justice."

It is stated that as per **Section 24(3) of the U.P. Revenue Code, 2006 read with U.P. Revenue Code Rules, 2016**, the demarcation proceedings, being summary in nature, should preferably be decided within a period of three months, however, in the instant case, the application for demarcation has not been decided till date, which is pending since 2021 and on account of pendency of the aforesaid case, petitioner is suffering great hardship and mental agony. In these circumstances, indulgence of this Court is required.

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

Considering the facts and circumstances of the case, this Court is of the view that no fruitful purpose will be served in keeping this petition pending. Accordingly, this petition is disposed of with a direction to the respondent No. 2/Sub- Divisional Magistrate, Kadipur District Sultanpur to consider and decide the Case No.T202204680704279 (Beerbali Vs. Gram Panchayat Gosaisinghpur and others) most expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting any unnecessary adjournment to either party preferably within a period of three months from the next date fixed in the case, if possible and if there is no other legal impediment in this regard.

It is made clear that this 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 :- 6.11.2023

Jyoti/-