

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5651 of 2023

Petitioner :- Ummed Lal

Respondent :- Consolidation Officer, Old Gonda-61, Gonda And Another

Counsel for Petitioner :- Rajendra Kumar Verma

Counsel for Respondent :- C.S.C.

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 pass an appropriate order or direction, directing the opposite party no.1 to decide the case no. 85 of 2023 Shanti Devi versus Kallu, pending before him since 2006 expeditiously within stipulated time period."

With regard to the main prayer sought in the present petition, the learned Counsel for the petitioner stated that the dispute in regard to land in issue, situated at Village Narharpur, Pagana Boodhapayar, Tehsil Utraula, District Gonda, was for the first time decided in the year 1983 vide order dated 14.11.1983, thereafter respondent no.2 namely Smt. Shanti Devi preferred an objection under Section 9A(2) of U.P. Consolidation of Holdings Act, 1953 (in short 'Act of 1953'), which appears to be decided vide order dated 06.06.1984 passed by Consolidation Officer, Old Gonda 61, Gonda and against the order dated 06.06.1984, two appeals i.e. Appeal No. 88 (Kallu Versus Smt. Shanti Devi) and Appeal No. 878 (Smt. Shanti Devi Versus Kallu) were filed under Section 11(1) of the Act of 1953, which were finally decided vide order dated 30.11.2006, whereby the appellate authority directed the parties to appear before the Consolidation Officer, Old Gonda 61, Gonda, on 08.12.2006 and the matter is pending since then and till date final order has not been passed by the respondent no.1. In these circumstances, the indulgence of this Court is required. Prayer is to direct the respondent no.1 to decide the proceedings expeditiously.

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.

Considering the facts and circumstances of the case as aforesaid, 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.1 to consider and decide the Case No. 85 of 2023 (Shanti Devi versus Kallu) most expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting any adjournment to either party preferably within a period of six 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 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 :- 6.11.2023

Jyoti/-