

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5685 of 2023

Petitioner :- Hafeez

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue,
Lucknow And Others

Counsel for Petitioner :- Jaleel Ahmad, Rayees Ahmad Khan

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

At the very outset, learned counsel for the petitioner says that there is typographical error in prayer clause with regard to statutory provisions, which could not be corrected at the time of filing of this petition. The prayer is grant permission to correct the said error during the course of the day.

The prayer aforesaid is acceded as the same has not been opposed.

Learned counsel for the petitioner is permitted to carry out necessary amendment in the prayer clause during the course of the day.

Heard learned counsel for the parties.

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

By means of this petition, the petitioner has sought the following main reliefs:-

"(i) To directing the opposite party no.2 to decide the application for Interim relief filed by the petitioner on 8-9-2023 in Appeal No.2084/2023 Under Section 207 U.P. Revenue Code 2006 against the order dated 2-9-2023 and 21-9-2021, passed by the opposite party no.3 in Computerized Case No. T202204710805481 Under Section 209 U.P. Revenue Code 2006.

"(ii) To issue direction to the opposite party no 4 to 16 to not interfere in the peaceful possession over the land in question during pendency of the appeal."

Considering the facts, as stated, that on an application preferred by the petitioner seeking interim relief on 08.09.2023 in

Appeal No.2084/2023 instituted under Section 207 of U.P. Revenue Code, 2006 (in short "Code of 2006"), no effective order could be passed and on account of the same, the petitioner is suffering great hardship and mental agony, the present petition is disposed of with a direction to the respondent No. 2 to consider and decide the application, in issue, 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 two months from the next date fixed in the case, if there is no other legal impediment in this regard.

It is expected from the respondent No. 2 that he would conclude the proceedings of appeal expeditiously after taking note of Rule 183(4) of the U.P. Revenue Code Rules, 2016 made under U.P. Revenue Code, 2006 and para 458(2) of U.P. Revenue Court Manual, as per which, a revision or appeal should be decided preferably within six months.

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 :- 7.11.2023

Arun/-