

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5757 of 2023

Petitioner :- Shiv Kumar

Respondent :- U.P. Ziladikari Tehsil Kunda District Pratapgarh And 8 Others

Counsel for Petitioner :- Vijay Kumar, Vivek Kumar

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the parties.

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:-

"Wherefore it is most respectfully prayed that this Hon'ble court may graciously be pleased to direct the opposite party no. 1 to decide the case no. 40/2016, computer case no. T201602570140 Under Section 176 of Uttar Pradesh Zamindari Vinash & Bhumi Byavashtha Act 1950. " Shiv Kumar Versus Manish kumar And others " expeditiously within stipulated time, memo of the case is being annexed as Annexure no. 1 to this petition."

Considering the fact that suit for division of holding as Case No. 40/2016, Computer Case No. T201602570140 (Shiv Kumar Versus Manish kumar And others), which was instituted under Section 176 of U.P.Z.A. & L.R. Act, 1950 (in short 'Act of 1950') on 07.11.2015, is pending before respondent no.1, thought as per paragraph **458(1) of U.P. Revenue Court Manual**, suit of such nature should be decided, within a period of one year from the date of filing the suit, this Court is of the opinion that no gainful purpose will be served in keeping the aforesaid petition pending.

Accordingly, the present petition is disposed of with direction to respondent No.1/Up Ziladhikari, Tehsil Kunda, District Pratapgarh to consider and decide the pending proceedings of Case No. 40/2016, Computer Case No. T201602570140 (Shiv Kumar Versus Manish kumar And others) most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment to either of the parties preferably within a period of eight months from the next date fixed before it, 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 of the parties 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 :- 8.11.2023

Jyoti/-