

Court No. - 21

Case :- MATTERS UNDER ARTICLE 227 No. - 5895 of 2023

Petitioner :- Neeraj Kumar Upadhyay

Respondent :- Assistant Collector / Tehsildar, Tehsil Kadipur, Sultanpur And Another

Counsel for Petitioner :- Suresh Kumar Upadhyay

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Amreesh Tiwari, Advocate holding brief of Sri S.K. UPadhyay, learned counsel for the petitioner, Sri Shashank Singh, learned counsel for the State-respondent no.1 and perused the record.

2. At the very outset, learned counsel appearing for the petitioner prays for and is allowed to implead the Gaon Sabha as respondent no.3, forthwith.

3. The present writ petition has been filed, *inter alia*, for the following relief:

"(i) To direct the Assistant Collector/Tehsildar, Tehsil- Kadipur, District Sultanpur to decide the Case No. T202204680402094 "Gaon Sabha versus Indrawati" under Section 67(1) of U.P. Revenue Code, 2006 in respect of land of gata no.339Ka mi measuring area 0.007 hectare situated at Village-Pratappur Sulempur, Pargana- Aldemau, Tehsil- Kadipur, District- Sultanpur expeditiously within stipulated time as fixed by this Hon'ble Court.

(ii)

(iii)"

4. Learned counsel for the petitioner submits that the case under Section 67(1) of U.P. Revenue Code, 2006 is pending for disposal since 2022 before the respondent No.2 but till date the

proceeding has not been concluded.

5. Sub Rule 6 of Rule 67 of the U.P. Revenue Code Rules, 2016 provides as under:

".....(7). The Assistant Collector shall make an endeavour to conclude the proceeding under Section 67 of the code within the period of ninety days from the date of issuance of the show cause notice and if the proceeding is not concluded within such period the reason for the same shall be recorded."

6. There is a clear legislative mandate that if proceedings are not concluded within stipulated period of time as provided under the aforesaid provision, reasons for the same shall be recorded.

7. Learned counsel appearing for the State submits that he has no objection to the extent that a direction is issued by this Court for expeditious disposal of the case within stipulated period as to be fixed by this Court.

8. In view of the nature of the order proposed to be passed, the service of notice upon the respondent no.2 is dispensed with.

9. Taking into consideration the facts and circumstances of the case, this Court is of the view that no useful purpose would be served in keeping this writ petition pending.

10. Accordingly, without advertng on merits of the case and with the consent of the parties, this Court deems it appropriate to finally dispose of the present writ petition with a direction to Assistant Collector/Tehsildar, Tehsil Kadipur, District Sultanpur (respondent No. 2), before whom the aforementioned matter is pending for disposal, to decide the Case No. T20224680402094, strictly in accordance with law, by a reasoned and speaking order on merit after affording

opportunity of hearing to the parties concerned, expeditiously and preferably within a period of **three months** from the date of receipt of a certified copy of this order, unless there is any legal impediment.

11. With the aforesaid direction, the present writ petition is **disposed of.**

Order Date :- 18.11.2023
Abhishek Gupta