

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 2807 of 2024

Petitioner :- Birendra Shankar Alias Brijendra Shankar Shukla

Respondent :- Sub Divisional Magistrate, Purwa Unnao And Others

Counsel for Petitioner :- Surendra Kumar Tripathi, Hari Krishna
Srivastava, Sweta Swarankar

Counsel for Respondent :- C.S.C., Pankaj Gupta, Ram Kumar Singh

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Surendra Kumar Tripathi, learned counsel for the petitioner, Sri L.M. Khare, learned standing counsel for the State-respondent no.1 and perused the material available on record.

2. Sri Pankaj Gupta, Advocate has accepted notice on behalf of the Gaon Sabha / respondent nos. 7 & 8.

3. This writ petition has been filed seeking following relief:

"I. To issue an order or direction commanding to Sub Divisional Magistrate, Purwa, Unnao (opposite party no. 1) to decide the Suit No's. 3557/2024 and 3558/2024 under Section 24(1) of U.P. Revenue Code, 2006, "Birendra Shankar alias Brijendra Shankar Vs. Rajendra Prasad & others" Computerized Case No. T202410690203557 & T202410690203558 respectively, pending in the court of Sub Divisional Magistrate, Purwa, Unnao (opposite party no. 1), since 19.07.2021 for demarcation of petitioner's lands bearing nos. 121, area 0.6550 hectare, situated at village Kasba Bhawani, Pargana & Tehsil Purwa District Unnao & Land No. 85, area 0.7900 hectare, situated at village Kasba Ramahimmat, (under town area krishak), Pargana & Tahsil Purwa, District Unnao, within a specific time period, frame as this Hon'ble Court may deem fit just and proper."

4. It has been submitted by learned counsel for the petitioner that the proceedings of Case Nos. 3557 of 2024 and 3558 of 2024, (Birendra Shankar @ Brijendra Shankar Vs. Rajendra Prasad & other), Computerized Case Nos. T202410690203557 & T202410690203558, under Section 24(1) of U.P. Revenue Code, 2006 are pending before the Sub Divisional Magistrate, Purwa, Unnao / respondent no. 1 since 19.07.2021. He further submits that because of the pendency of the said proceedings, he is facing hardship.

5. Sub-Section (3) of Section 24 of the U.P. Revenue Code, 2006 provides as under:

"(3). Every proceeding under this section shall, as far as possible, be concluded by the Sub-Divisional Officer within (three months) from the date of the application."

6. There is a legislative mandate that if proceedings are not concluded within the statutory period as provided under the Act, reasons for the same shall be recorded.

7. Learned standing counsel submits that he has no objection to the extent that if a direction is issued by this Court for expeditious disposal of the aforesaid proceedings within the stipulated period as fixed by this Court.

8. In view of the order proposed to be passed, service of notices upon the respondent nos. 2 to 6 are dispensed with.

9. Accordingly, without advertng on merits of the case and with the consent of the parties present, this Court deems it appropriate to finally dispose of the present writ petition with a direction to Sub Divisional Magistrate, Purwa, Unnao / respondent no. 1, before whom the aforementioned matter is pending for disposal, to decide the proceedings of Case Nos. 3557 of 2024 and 3558 of 2024 (Birendra Shankar @ Brijendra Shankar Vs. Rajendra Prasad & other), Computerized Case Nos. T202410690203557 & T202410690203558, under Section 24(1) of U.P. Revenue Code, 2006, strictly in accordance with law, 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.

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

Order Date :- 4.6.2024

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