

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 2863 of 2024

Petitioner :- Ramakant

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue, Lko. And 2 Others

Counsel for Petitioner :- Ghulam Mohammad Kamil

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Shri G.M. Kamil, learned counsel for petitioner, learned Standing Counsel for the State and perused the material available on record.

2. By means of the present petition under Article 227 of the Constitution of India, the petitioner has sought following prayer:-

"I. to direct the learned Additional Civil Judge (Senior Division), Ambedkar Nagar to expedite the hearing of Original Suit No. 135 of 2001 (Kamlesh Kumar and others Vs. Ram Karan and others) within a time specified by this Hon'ble Court, as contained in Annexure No. 1 to this petition."

3. It is urged that though several dates were fixed in the case but for one reason or the other, the same could not be decided.

4. The prayer made on behalf of the petitioner, in the present writ petition is limited only to the extent that the learned Additional Civil Judge (Senior Division), Ambedkar Nagar be directed to decide the Original Suit No. 135 of 2001 (Kamlesh Kumar and others Vs. Ram Karan and others) in a time bound manner.

5. It is noteworthy, that this Court on administrative side has already issued directions to the Courts below to ensure zero pendency of cases which are more than five years old. In view of directions already issued on administrative side, this Court is

not inclined to pass any further order on judicial side.

6. In view of the order proposed to be passed in the present writ petition, notice to private respondents no. 2 and 3 are dispensed with.

7. This Court at this stage is not inclined to interfere in the instant matter under Article 227 of the Constitution of India. However, in the interest of justice, liberty is granted to the petitioner to approach the learned Additional Civil Judge (Senior Division), Ambedkar Nagar by moving an appropriate application detailing urgency for expeditious disposal of Original Suit No. 135 of 2001 (Kamlesh Kumar and others Vs. Ram Karan and others), and in case, if such an application is moved, the Court concerned shall consider the same within a period of three weeks from the date of filing of such an application along with the copy of this order. It is provided that if the Court concerned finds that a case for urgency is made out, it shall pass appropriate orders thereupon, in accordance with law.

8. It is made clear that this Court has not examined the case on merit and the Court concerned shall decide the same on merit strictly in accordance with law.

9. With the aforesaid observations, the instant writ petition is **disposed of.**

Order Date :- 4.6.2024
Virendra