

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 2914 of 2024

Petitioner :- Babu Ram

Respondent :- Sub Divisional Officer Tehsil Kadipur Dist. Sultanpur And 4 Others

Counsel for Petitioner :- Rajesh Kumar Shukla

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Rajesh Kumar Shukla, learned counsel for the petitioner, Sri L.M. Khare, learned standing counsel for the State-respondent nos. 1 & 3 and Sri Mohan Singh, learned counsel appearing on behalf of the Gram Panchayat / respondent no. 2.

2. The present writ petition has been filed seeking following relief:

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to direct the opposite party no. 1 i.e. Sub Divisional Officer, Tehsil Kadipur, District Sultanpur to expeditiously decide the Demarcation case dated 28.08.2023 under Section 24 of U.P. Revenue Code, 2006 (Babu Ram Vs. Gram Panchayat Magarsand Kala & others), pertaining to land Gata No. 941 area 0.506 hectare situated in Village Magarsand Kalan, Pargana Aldemau, Tehsil Kadipur, District Sultanpur, pending before the opposite party no.1, according to law within time stipulated by this Hon'ble Court."

3. The submission of the learned counsel for the petitioner is that the petitioner has moved an application for demarcation under Section 24 of the U.P. Revenue Code, 2006 in respect of plot of land bearing Gata No. 941, area 0.506 hectare situated village Magarsand Kalan, Pargana Aldemau, Tehsil Kadipur, District Sultanpur.

4. It has been contended that the petitioner moved the said application before the Sub Divisional Officer Kadipur, District Sultanpur / respondent no. 1 on 28.08.2023 and since then the said application is pending for disposal. He further submits that the requisite fee as provided under the Financial Handbook has also been deposited on the same day.

5. The proceedings under Section 24 of the U.P. Revenue Code, 2006 is a summary proceedings and Section 24(3) of the said Act 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 period of time as provided under the aforesaid provision, reasons for the same shall be recorded.

7. Learned counsel appearing on behalf of the State submits that there is nothing on record to show that the said application has been filed by the petitioner before the Sub Divisional Officer, concerned.

8. Be that as it may, it is evident from the record that the requisite fee has already been deposited and copy of the said application said to have been filed before the Sub Divisional Officer on 28.08.2023, is annexed as Annexure No. 2 to the writ petition.

9. Taking into consideration the aforesaid facts and circumstances of the case, this Court is of the view that no useful purpose would be served in keeping the writ petition pending and keeping in mind the order proposed to be passed, service of notice upon the respondent nos. 4 & 5 is dispensed with.

10. Accordingly, the writ petition is **disposed of** with a direction to the Sub Divisional Officer concerned to consider and decide the aforesaid application, if the same has already been filed before it in accordance with law.

11. It is expected that the said application shall be decided strictly in accordance with law after due notice to the parties concerned within the stipulated period of three months from the date a certified copy of this order is produced before the Sub Divisional Officer concerned.

12. It is made clear that this Court has not expressed any opinion on the merits of the case..

Order Date :- 7.6.2024

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