2026:AHC-LKO:41598

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

MATTERS UNDER ARTICLE 227 No. - 3540 of 2026

Jannatun Nisha

.....Petitioner(s)

Versus

The Court Of Nayab Tehsildar, Parsadepur, Tehsil Salon, Raebareli And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Shankar Lal Pandey, Abhishek Shukla, Ankita Tiwari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 3

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Shri Shankar Lal Pandey, learned counsel for the petitioner and learned Standing Counsel for the State.

2. The present petition has been filed for the following relief:

"(i) To issue an order or direction of suitable nature thereby directing to the opposite party no.1 i.e. the court of Nayab Tehsildar, Parasadepur, Tehsil Salon, Raebareli to decide the Case No. RST/1149/2025, bearing Computerized Case No. T2025105806011490; Jannatun Nisha Vs. Mahima, under Section 209 (Ja) of U.P. Revenue Code, 2006 within a time framed manner, pending since 29.01.2025, within a stipulated period of time, as fixed by this Hon'ble Court."

3. This Court has already issued number of directions for expeditious disposal of cases pending before revenue court in the case of **Daya Shankar vs. State of U.P. and 4 others** reported in **2023(6) ADJ 181**. For ready reference, paragraph nos.11 to 18 of **Daya Shankar (supra)** are being quoted as under:

"***11.*** *Most of the writ petitions are being filed in the High Court for expeditious disposal of the proceedings which arise out of dispute regarding boundaries (Section 24), rights of way and other easements (Section 25), removal of the obstacle from public road, path, land (Section 26), mutation proceedings (Section 35), correction of record (Section 38), the dispute regarding property like public roads, lanes, trees (Section 58), the application for delivery of possession of allotted land from an unauthorized person (Section 65), application for cancelling illegal allotment of Abadi sites (Section 66), proceeding to prevent damage, misappropriation and wrongful occupation of*

property of Gram Panchayat (Section 67), application under Section 98 for permission to transfer land belonging to scheduled caste, suit for division of holding (Section 116), application for execution of the final decree passed under Section-116 (by demarcation of kurra on spot), proceeding for cancellation of irregular allotment of agricultural land (Section 128), suit of declaration as bhumidhar/asami (Section 144).

12. *For the proceeding mentioned above, the legislature has provided time bound disposal for some of the proceedings but despite specific time fixed by the Code, 2006 proceeding could not be decided for a number of reasons and in most of the cases due to negligence on the part of presiding officers or due to the absence of sufficient number of presiding officers as well as the continuous strike of bar in Tehsil or Collectorate. The following provisions of Code, 2006 provide a specific time for deciding the proceedings as follows :*

(i) Dispute regarding boundaries by Sub-Divisional Officer is to be decided within three months from the date of the application as per Section 24(3) of Code, 2006 which is quoted as below :

"24(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."

(ii) Mutation proceedings under Section 35 of Code, 2006 is to be decided within 45 days if mutation is undisputed and within 90 days if mutation is disputed as per Rule 34(7) of Rules, 2016 which is quoted as below :

"34(7). The Tahsildar shall make an endeavour to decide the undisputed case of mutation within the period of 45 days from the date of the registration of the case and the disputed case of mutation within the period of 90 days and if the proceeding is not concluded within such period the reason for the same shall be recorded"

(iii) Proceeding for correction of record as per Section 38 of Code, 2006 is to be decided within 45 days from the date of receiving application with the report as per Rule 36(6) of Rules, 2016 which is quoted as below :

"36(6). An endeavour shall be made to conclude the proceeding for correction under Section 38 within the period of 45 days from the date of receiving the application with the report and if the proceeding is not concluded within such period the reasons for the same shall be recorded."

(iv) Application for cancellation of irregular allotment of Abadi side under Section 66 should be decided within six months as per Rule 65(10) of Rules, 2016 which is quoted as below :

"65(10). The Collector shall make an endeavour to conclude the inquiry within the period not exceeding six months from the date of registration of the case and if the inquiry is not concluded within the period aforesaid the reason for the same shall be recorded."

(v) Proceeding to prevent wrongful occupation and damage of Gram Sabha property under Section 67 is to be decided within the period of 90 days as required by Rule 67(6) of Rule, 2016 which is quoted as under :

"67(6). 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 reasons for the same shall be recorded."

(vi) Proceeding for granting permission to transfer the land of schedule caste under Section-98 should be completed within period of 15 days as per Rule 99(11) and which is quoted as under:

"99(11). The Collector shall make an endeavour to dispose of the application under Section 98(1) within the period of fifteen days from the date of receiving the report submitted by the inquiry officer and if the application is not disposed of within such period the reason for the same shall be recorded."

riod of the six months and if the

(vii) For division of holding under Section 116 of the Code, 2006 is to be decided within a period of six months as provided by Rule 109(10) of Rules, 2016 which is quoted as under :

"109(10). The Sub-Divisional Officer shall make an endeavoriod of the six months and if theur to decide the suit within the period of six months and if the suit is not decided within such period, the reason shall be recorded."

(viii) Proceeding for cancellation of irregular allotment of agricultural land under Section 128 should be completed within a period of three months as per Rules 126(6) of Rules, 2016 which is quoted as under :

"126(6). The Collector shall endeavour to conclude the enquiry within the period of three months from the date of issuance of notice and if the enquiry is not concluded within the period of three months, the reasons for the delay shall be recorded."

***13**. Apart from the above proceeding for which specific time frame was fixed by the legislature in the Code, 2006 or in the Rules, 2016 there are other proceedings for which no time frame has been fixed either in Code, 2006 or in Rules, 2016 therefore, the concerned presiding officer or the revenue officer should make endeavour to decide these proceedings in following manner :*

(i) Application for right of way and other easement under Section 25 should be decided within a period of one month and if the same could not be concluded then reason for the same should be recorded.

(ii) Application for removal of obstacle from public road, path or common land of village under Section 26 should endeavour to be decided within a period of one month and if the same could not be concluded then reason for the same should be recorded;

(iii) Application under Section 58 to decide the dispute regarding property mentioned in Sections 54, 56 and 57 should be decided preferably within a period of three months from the date of application and if the same could not be decided then reason for the same should be recorded;

(iv) Application under Section 65 for delivery of possession of allotted land

from unauthorized person should be decided preferably within a period of three months and if the same could not be concluded then reason for the same should be recorded;

(v) Application for the execution of the final decree passed under Section 116 of Code, 2006 by demarcation of Kurra on site should be decided within a period of one month and if the same could not be concluded then reason for the same should be recorded;

(vi) A suit for declaration as bhumidhar/asami under Section-144 of the Code, 2006 should be decided within a period of the six months and if the same could not be concluded then the reason for the same should be recorded;

(vii) Any other application referable to any provision of Code, 2006 should also be decided within the period prescribed by Code, 2006 or Rules, 2016, if no time is prescribed by Code, 2006 or by Rules, 2016 then same should be decided within a period of one month and if same is not decided within aforesaid period then reason should be recorded.

***14**. If the proceedings mentioned above are appealable or revisable or subject to second appeal as per the provision of Code, 2006 and if no time is prescribed by the Code, 2006 then these proceedings should also be decided within a period of six months up to the level of Commissioner and within a period of one year by the Board of Revenue, and if not decided within the said period then the reason for the same should be recorded.*

***15**. While calculating the period mentioned above as directed by this Court for deciding different proceedings under Code, 2006, the date on which there was a strike of Bar as well as the dates on which the person seeking benefit of this order take adjournment should be excluded.*

***16**. If any stay application, recall application or any other miscellaneous application is filed during above mentioned proceedings, then same should be decided within a period of one month and if same is not decided within aforesaid time, then reason should be recorded. It is made clear that during the pendency of recall application or stay application, no coercive action be taken against the applicant.*

***17**. For the violation of direction mentioned above by any revenue officer including the Collector and Commissioner and as well as Board of Revenue, they would be liable for contempt of this Court for not following the direction in deciding the proceedings as mentioned above (including pending proceeding in corresponding provision of Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950 and as Uttar Pradesh Land Revenue Act, 1901).*

***18**. The litigant, whose proceeding are mentioned above was not decided despite his application relying upon this judgement within the time fixed by this Court, then litigant instead of filing writ petition for expeditious disposal may directly approach this Court by filing contempt proceedings against the concerned officer."*

4. In view of above, the present petition is **disposed of** in terms of above quoted observation of **Daya Shankar (supra).**

(Arun Kumar Singh Deshwal,J.)

June 19, 2026
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Digitally signed by :-
MOHD UMAR KHAN
High Court of Judicature at Allahabad,
Lucknow Bench