Court No. - 8

Case :- MATTERS UNDER ARTICLE 227 No. - 5800 of 2024

Petitioner :- Nand Kishor
Respondent :- State Of U.P. Thru. Prin. Secy. Revenue, Lucknow And Others
Counsel for Petitioner :- Aditya Narayan Yadav,Deepali Yadav,Prabhat Kumar Pandey,Ram Suphal
Counsel for Respondent :- C.S.C.

Hon'ble Jaspreet Singh,J.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the State-respondents.

This petition has been filed with the following main prayer:-

"(i) Issue a order or direction thereby directing the opposite party no. 2 to dispose of the Mutation Case No. T20240404040/1931, T20240404040/1932 & T20240404040/1933 (Nand Kishor Versus Jai Prakash) pending before him forthwith or within stipulated period as prescribed by this Hon'ble Court in the interest of justice"

It has been submitted by the learned counsel for the petitioner that the aforesaid case is pending before the respondent no.1 since long.

Hence this petition.

Learned Standing Counsel has raised an objection as to the maintainability of the petition and has referred to the amendment carried in the U. P. Revenue Court Manual where Chapter 50 has been introduced and in Rule 494, it has been provided that the Board of Revenue on an application duly supported by an affidavit can direct the expeditious hearing of any Suit, Appeal, Revision or other proceedings that is pending before the Court subordinate to it.

The Tehsildar, Tehsil Alapur, District Ambedkar Nagar i.e. respondent no. 2 acts as a revenue courts subordinate to the Board of Revenue and therefore, it would be appropriate that this Court direct the petitioner to approach the Board of Revenue as statutory remedy is available under paragraph 494 of Chapter 50 of U.P. Revenue Court Manual.

This petition is ***disposed of*** with a direction to the petitioner to file an application for expeditious hearing under Rule 494 of

Chapter 50 of the U.P. Revenue Court Manual, within one week from today, before the Board of Revenue alongwith the affidavit complete in all respect. The Board of Revenue shall consider the prayer of the petitioner and pass appropriate orders in accordance with law within three weeks thereafter.

Order Date :- 3.12.2024
Asheesh

Digitally signed by :-
ASHEESH KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench