

Court No. - 19

Case :- MATTERS UNDER ARTICLE 227 No. - 1513 of 2023

Petitioner :- Jalil Ahmad

Respondent :- Learned Court Of Addl. Officer Ist, Tehsil Sadar ,Distt. Sultanpur And 6 Others

Counsel for Petitioner :- Shiv Prakash Mishra,Ashish Kumar Shukla,Ram Pratap Yadav

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

Hon'ble Saurabh Lavania,J.

At the very outset, learned counsel for the petitioner says that some necessary party is left to be impleaded in this petition, as such, he may be permitted to implead the same during the course of the day.

The prayer made is acceded, as the same is not opposed by the side opposite.

Learned counsel for the petitioner is permitted to implead the necessary party in the memo of this petition during the course of the day.

Heard learned counsel for the parties.

In view of order proposed to be passed, issuance of notice to the private-respondents is hereby dispensed with.

By means of this petition, the petitioner seeks expeditious disposal of Suit No. T201804680608246 (Jalil Ahmad vs. Abdul Waheed and others), under Section 116 of U.P. Revenue Code, 2006 pending before the respondent No. 1/Additional Officer Ist, Tehsil Sadar ,District Sultanpur.

It is submitted that though a large number of dates have been fixed, however, for the reasons beyond control, the matter has not yet been decided. In these circumstances, indulgence of this Court is required in the matter. The prayer is to expedite the proceedings of pending case.

It is also stated that as per Rule 109(10) of U.P. Revenue Code Rules, 2016 made under the U.P. Revenue Code, 2006, a suit for partition preferred under Section 116 of the Code of 2006 should preferably be decided within a period of six months. However, in the instant case, the proceedings of partition are pending since 2018.

Learned State counsel submits that he has no objection in case an expedite order is passed.

Considering the facts and circumstances of the case, this Court is of the view that no fruitful purpose will be served in keeping this petition pending. Accordingly, this petition is disposed of with a direction to the respondent No.1 to consider and decide the pending proceedings of Suit No. T201804680608246 (Jalil Ahmad vs. Abdul Waheed and others) most expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting any unnecessary adjournment to either party preferably within a period of six months from the date a certified copy of this order is placed before the Authority concerned, if possible and if there is no other legal impediment in this regard.

It is made clear that the Court has not examined the case of either party on merits and the Authority concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid, the petition is ***disposed of***.

Order Date :- 28.3.2023/Arun/-