

# **Sarhan Ahmad vs State Of U.P. Thru. Secy. Revenue, Lko. ... on 28 March, 2025**

**Author: Saurabh Lavania**

**Bench: Saurabh Lavania**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:17775

Court No. - 7

Case :- MATTERS UNDER ARTICLE 227 No. - 1707 of 2025

Petitioner :- Sarhan Ahmad

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

Counsel for Petitioner :- Vanshraj Dubey,Vijay Pathak

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

Hon'ble Saurabh Lavania,J.

Heard.

In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.

The instant petition has been preferred seeking following main relief(s):-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to direct the Opposite Party No. 2, Sub Divisional Magistrate, Tehsil-Bikapur,

District-Ayodhya since 01.07.2022 which was registered as Case No. 3077/2022 (Sarhan Ahmad versus Nayab Ahmad and others) decide the pending before him a suit for partition under Section 116 of U.P. Revenue Code more than 30 months lapsed which is decided in expeditiously within stipulated time granted by this Hon'ble Court in the interest of justice."

Taking note of Rule 109(10) of U.P. Revenue Code Rules, 2016 made under the U.P. Revenue Code, 2006, as per which, 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 case, in issue, has not been disposed of till date despite the fact that the same is pending since July, 2022 and on account of pendency of the same, the petitioner, as stated, who is aged about 50 years, is suffering great hardship and mental agony, 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.2/Sub Divisional Magistrate, Tehsil- Bikapur, District- Ayodhya to consider and decide the Case No. 3077/2022 (Sarhan Ahmad versus Nayab Ahmad and others) most expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting unnecessary adjournment to either party preferably within a period of six months from the next date fixed in the case, 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 :- 28.3.2025 Arun/-