

In Chamber

Case :- WRIT - B No. - 752 of 2020

Petitioner :- Shambhoo

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sandeep Kumar Keshari, Randhir Jain

Counsel for Respondent :- C.S.C.

Hon'ble Ashwani Kumar Mishra, J.

This petition is placed before the Court in Chambers by the Registry, as the precautions required to be taken up in view of the COVID-19 pandemic requires various strict measures, including following of social distancing etc. Consequently, the appearance of parties and their counsel/s is dispensed with. I have perused the records.

Only the prayer made in this petition is to command the appellate authority to dispose of petitioner's pending appeal No.208/278 before the Settlement Officer Consolidation, Varanasi, since 29.10.2010. The appeal itself is preferred against an order passed by the Consolidation Officer upon a restoration application filed after 13 years of the passing of original order, which was allowed. It is also urged that proceedings under Rule 109 of the U.P. C.H. Rules has also been concluded but this aspect is ignored.

Be that as it may, once an appeal has been preferred by the petitioner and has remained pending for last 10 years, there is no justification for the appellate authority not to decide the appeal on merits. From the ordersheet it appears that only general dates are being fixed.

In view of the above, this writ petition stands disposed of with a direction upon respondent no.2 to decide petitioner's pending appeal, by fixing weekly dates, without granting any unnecessary adjournment to either of the parties, except on payment of cost which would not be less than Rs.500/- for a day, expeditiously, preferably within a period of three months from the date of resumption of normal proceedings in the office concerned post Lockdown on account of COVID-19 pandemic.

The concerned Authority/Official shall verify the authenticity of computerized copy of this order from the official website of High Court Allahabad and shall act accordingly without waiting for submission of the certified copy of this order.

Since this order has been passed in the peculiar facts and circumstances without hearing the counsels for the parties concerned, liberty however stands reserved to either of the parties to apply for recall/review of the order in case they feel so aggrieved.

Order Date :- 30.4.2020

Anil