

Court No. - 10

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 43268 of 2010

Petitioner :- Vinod Kumar

Respondent :- State Of U.P. And Others

Counsel for Petitioner :- Arun K. Singh I, Aklank Jain, Pradeep Kumar, Sandeep Kumar

Counsel for Respondent :- C.S.C., Brij Raj Singh, D.P. Singh, N. Tripathi, R.C. Singh

Hon'ble Arun Tandon, J.

Hon'ble Ritu Raj Awasthi, J.

Heard learned counsel for the parties.

This PIL has been filed basically with the allegations that because of the collusion of the District Government Counsel with the plaintiffs of Original Suit No. 448 of 1989 and Original Suit No. 203 of 1991, the same have been decreed ex parte against the State. Restoration applications have been filed and against the rejection of the restoration application, Revision No. 106 of 2010 and Revision No. 94 of 2010 have been preferred by the State which are pending before the District Court. As a result whereof the plaintiffs in the suit, who have obtained an ex parte decree against the State, are enjoying the disputed property. According to the petitioner the property belongs to the Female Civil Hospital while the plaintiffs claim title over the same land.

In our opinion controversy must be laid to rest at the earliest. Already more than 28 years have elapsed from the date of filing of the first suit and 26 years have elapsed from the date of filing of the second suit. Revisions are also pending since seven years. We, therefore, issue following directions :--

(a) Secretary (Law)/ Law Remembrancer of the State of U.P. shall ensure that a suitable counsel is appointed to represent the State in the aforesaid proceedings, both at the suit level as well as at the revisional level.

(b) District Judge, Firozabad is directed to ensure that Revision No. 106 of 2010 and Revision No. 94 of 2010 are clubbed together and are placed before the competent Court for disposal.

(c) The Court to which the revisions are assigned shall ensure final disposal of the revisions by means of a reasoned speaking order preferably within four months of such assignment. Neither any unnecessary adjournment

shall be asked for by the parties nor shall be granted to either of the parties.

(d) If the revisions are allowed and the suits are restored to their original number, the Trial Court shall proceed with the suits on day to day basis and shall conclude the proceeding at the earliest possible in any case within six months from the date of its restoration.

We are neither expressing any opinion on the merits of the revisions or on the merit of the suits nor this order should be read in that context in any manner.

We add a word of caution that there should not be any complaint to this Court that the order passed by us has not been carried out in letter and spirit.

Writ petition is disposed of with the aforesaid observations/directions.

Order Date :- 5.7.2017

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