

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2213 of 2019

Petitioner :- Mrigank Shekhar Chaturvedi

Respondent :- Chairman Board Of Revenue State Of U.P. And 2 Others

Counsel for Petitioner :- A.C.Tiwari(Ac),Krishna Kumar Chaurasia

Counsel for Respondent :- C.S.C.

Hon'ble Govind Mathur,Chief Justice

Hon'ble Siddhartha Varma,J.

This petition for writ is preferred to have following directions:-

- i). Issue a writ, order or direction in the nature of mandamus directing the respondents to provide all the facilities of Infrastructure in the shape of court's rooms and proper seating arrangement and other amenities likewise/equal to Civil Court by ensuring the compliance of the judgment/ratio given by this Hon'ble Court in the Civil Misc. Writ Petition no.53754 of 2002 (Chandra Bhan and another Vs. Deputy Director of Consolidation, Gorakhpur and others).
- ii). Issue a writ, order or direction in the nature of mandamus directing the constituted committee concern to submit the report for intra structure and other basic amenities to the Consolidation Court equal to the Civil Court.
- iii). Issue a writ, order or direction in the nature of mandamus directing the respondents to provide, Computer, Laptop and books to the Consolidation Courts.
- iv). Issue a writ, order or direction in the nature of mandamus directing the respondents to appoint consolidation authorities as Addl. District Magistrate (A.D.M.) (Judicial), Sub-Divisional Magistrate (S.D.M.) (Judicial) & Tehsildar (Judicial) according to Revenue Code bill 2006, as well as recommended by this Hon'ble Court.

Suffice it to say that in **Chandra Bhan and another Vs. Deputy Director of Consolidation, Gorakhpur and others reported in 2006 1 ADJ 499**, this Court issued the following directions:-

"(a) A writ of mandamus is issued commanding the State of U.P. to take immediate steps to create separate permanent revenue judicial service cadre for performance of judicial functions in courts discharging judicial functions under the

U.P. Zamindari Abolition & Land Reforms Act, 1950 as well as under the U.P. Consolidation of Holdings Act, 1953 in the suits and other proceedings arising out of U.P.Z.A. & L.R. Act in which dispute of title or matter affecting the rights of a tenure holder in Bhumidhari land is involved for adjudication in suits first appeal and second appeal/revision as well as all proceedings arising from Section 9, 11, 12, 21(2) and 48 of U.P. Consolidation of Holdings Act for adjudication of dispute affecting the rights of tenure holder (Bhumidhari). The qualification and appointment of members of such service shall be at par with training of members of State Judicial Service under the control of the High Court.

(b) It is further directed that the members of Judicial Revenue cadre so created by the Government shall work as Presiding officers in the Revenue Courts as well as in the Consolidation courts whose services will be inter-transferable and interchangeable. Such cadre shall be created as early as possible within a period not exceeding one year and for a period of one year or till creation and appointment of members of judicial service whichever is earlier, the present arrangement shall continue to hold good.

Decided Accordingly."

In compliance of the directions given in the case of Chandra Bhan (Supra) the State of Uttar Pradesh was required to take immediate steps to create a separate permanent Revenue Judicial Service cadre for adjudicating cases arising out of Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, Uttar Pradesh Consolidation of Holdings Act, 1953 and the U.P. Land Revenue Act. The Revenue Courts in the State of Uttar Pradesh as in other States of the country are adjudicating all matters relating to land revenue, agricultural land holdings, tenancy and consolidation etc. The function of such courts is purely of a judicial nature and therefore, officers presiding the courts must have expertise in land revenue laws and laws akin to them. It is informed to us that directions given in the case of Chandra Bhan (Supra) have yet not been executed. It is also brought to our notice that most of the courts which are being presided by Additional District Magistrates, Sub Judicial

Magistrates, Tehsildars and the other Adjudicating Officers under the U.P. Revenue Code, 2006, are not having necessary infrastructure to discharge judicial functions. The buildings where such courts are situate are in dilapidated conditions and these buildings have not been maintained adequately. In most of the court's building even Bar rooms are not available, though the parties in most of the cases are represented by their counsels.

The petitioner who is a practicing lawyer at Mirzapur, U.P. thus, preferred this petition for writ espousing the cause of litigants, officers and other staff members and lawyers performing their duties before the revenue courts.

Though, the writ petition was filed in the year 2019 and time was granted to the respondents to avail necessary instructions in the matter but nothing has been done so far.

Having considered the issue sought to be adjudicated in this petition for writ, we deem it appropriate to direct the Chief, Secretary of the State of Uttar Pradesh to respond to the contents of the petition and further to acquaint the court about the programmes and projects which are in hand of the State of Uttar Pradesh as which would provide necessary infrastructure to the Revenue courts and maintain their buildings. The affidavit of the Chief Secretary of the State of Uttar Pradesh would also inform about the execution of the directions given in the case of Chandra Bhan (Supra).

Let this petition for writ be listed in the additional cause list on 7th, December 2020.

Order Date :- 17.11.2020

A.Dewal

(Siddhartha Varma,J)

(Govind Mathur,Chief Justice)