

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 25th OF JULY, 2024

WRIT PETITION No.18743 of 2024

SMT. KANWALJEET KAUR

Versus

STATE OF M.P. AND ANOTHER

Appearance:

Shri Devdatt Bhave – Advocate for the petitioner.

Ms. Swati Aseem George – Dy. Government Advocate for respondents/State.

ORDER

This Writ Petition under Article 226 of Constitution of India has been filed seeking following relief(s):-

- I. Issue a writ in the nature of Mandamus directing Respondents no.1 to decide Petitioner's pending appeal within a period of 30 days from the passing of order in the present petition.
- II. This Hon'ble High Court may issue any other writ, order or direction as this Hon'ble Court deems fit.

It is submitted by counsel for the petitioner that since 22/4/2021, the appeal filed by the petitioner is pending before the Board of Revenue, therefore, the Board of Revenue may be directed to decide the appeal as early as possible. By referring to the judgment passed by the Supreme Court in the case of **High Court Bar Association, Allahabad Vs. State of UP and others** decided on 29/2/2024 in Criminal Appeal No.3589/2023, it is submitted that pendency of appeal without any

further progress has resulted in exceptional circumstance warranting issuance of direction for early disposal.

Considered the submissions made by counsel for the parties.

Petitioner has filed copy of the order-sheets of Board of Revenue, from which it is clear that on 15/9/2022 arguments on the question of admission were heard and the case was reserved for orders. It is the case of the petitioner that thereafter no order has been passed. Thus, this case is not covered by the law laid down by the Supreme Court in the case of **High Court Bar Association Allahabad (supra)**, but it would be covered by the judgment passed by the Supreme Court in the case of **Anil Rai Vs. State of Bihar** reported in **AIR (2001) SC 3173**, wherein it has been held as under:-

“21. Under the prevalent circumstances in some of the High Courts, I feel it appropriate to provide some guidelines regarding the pronouncement of judgments which, I am sure, shall be followed by all concerned, being the mandate of this Court. Such guidelines, as for the present, are as under:

(i) The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case where the judgment is reserved and is pronounced later, a column be added in the judgment where, on the first page, after the cause-title, date of reserving the judgment and date of pronouncing it be separately mentioned by the Court Officer concerned.

(ii) That Chief Justices of the High Courts, on their administrative side, should direct the Court Officers/Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the judgments reserved are not pronounced within the period of that month.

(iii) On noticing that after conclusion of the arguments the judgment is not pronounced within

a period of two months, the Chief Justice concerned shall draw the attention of the Bench concerned to the pending matter. The Chief Justice may also see the desirability of circulating the statement of such cases in which the judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.

(iv) Where a judgment is not pronounced within three months from the date of reserving it, any of the parties in the case is permitted to file an application in the High Court with a prayer for early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.

(v) If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the said lis shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances.”

Although the aforesaid guidelines, which have been made by the Supreme Court, are meant for the High Courts as well as District Courts, but the same guideline can be applied to the Revenue Courts because early disposal of the case is essential and delivery of order, at the earliest after the case is heard is the requirement of law because delay in delivery of order may not only result in fading of memory of Presiding Judge, but may also give some other impression in the minds of the litigants. Furthermore, in the present case, arguments on admission were heard on 15/9/2022 and it is not known as to whether the same Presiding

Officer is still posted in the Board of Revenue or not, accordingly, this petition is **disposed of** with the following observations:-

- i- On filing an application for urgent hearing, the Board of Revenue shall immediately take up the matter.
- ii- If the Presiding Officer, who had heard the arguments on the question of admission, is still posted in the Board of Revenue, then the case shall be transferred to any other Member of the Board of Revenue.
- iii- Arguments on the question of admission shall be heard afresh and the order on the question of admission shall be passed within a period of 15 days from thereafter.
- iv- Let the entire exercise be completed within a period of one month from the date of filing of an application for urgent hearing.

(G.S. AHLUWALIA)
JUDGE

Arun*