

Court No. - 51

Case :- WRIT - C No. - 5336 of 2023

Petitioner :- Noor Shaba

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ram Bali Ram, Satya Prakash Upadhyay

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard Counsel for the petitioner and learned Standing Counsel for State-respondents.

2. The instant writ petition has been filed praying for a mandamus directing respondent No.2, Tehsildar (Judicial), Tehsil Zamania, District Ghazipur to decide the case No. RST/4203/2022, Computerized case No. T202214290304203 within stipulated period.

3. Counsel for the petitioner submitted that petitioner purchased the plot in dispute from Mohd. Imran. He submitted that Mohd. Imran purchased the property in dispute from Kashi Nath Yadav and applied for mutation under Section 34 of the U.P. Revenue Code, 2006 but subsequently he withdrew the mutation case filed by him. He submitted that Mohd. Imran has illegally withdrew the mutation case in order to harass the petitioner, as such, petitioner applied for restoration in the mutation case filed by Mohd. Imran. He further submitted that petitioner has applied for his mutation under Section 34 of the U.P. Revenue Code, 2006 which is pending.

4. On the other hand, learned Standing Counsel submitted that petitioner is not entitled to the relief claimed in the writ petition.

5. I have considered the arguments advanced by learned Counsel for the parties and perused the records.

6. There is no dispute about the fact that mutation case No. 3337/2015 filed by Mohd. Imran has been dismissed vide order dated 10.3.2021 on the withdrawal application filed by Mohd. Imran himself. There is also no dispute about the fact that petitioner has filed a restoration

application against the order dated 10.3.2021 which is pending. There is also no dispute about the fact that mutation case No. RST/ 4203/ 2022, Computerized case No. T202214290304203 filed by petitioner is also pending before Tehsildar.

7. Considering the entire facts and circumstances of the case, the writ petition is finally **disposed of** directing the respondent no.2, Tehsildar (Judicial), Tehsil Zamania, District Ghazipur to decide the mutation case No. RST/4203/2022, Computerized case No. T202214290304203 in accordance with law expeditiously and preferably within a period of **three months** from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties.

Order Date :- 31.10.2023

Vandana Y.