

Court No. - 52

Case :- WRIT - C No. - 7872 of 2020

Petitioner :- Ram Chandar

Respondent :- Commissioner, Allahabad Division And 12 Others

Counsel for Petitioner :- Paras Nath Singh, Krishna Kumar Maurya, Pramod Kumar Gupta, Ved Byas Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Paras Nath Singh, learned counsel for petitioner and Sri Shashikant Kushwaha, learned Standing Counsel for the State-respondent nos.1 and 2.

2. On fair submission, learned counsel for petitioner submitted that Case No.377/454 of 1993-94 (Vimla Devi Vs. Champa Devi), under Section 34 of U.P. Land Revenue Act, 1901 is still pending for final adjudication, wherein petitioner has already preferred an objection and as such there is hardly any cause of action arises in favour of petitioner to pursue the instant petition which is only admitted at the behest of application preferred by a lady who claimed herself to be wife of the deceased and requested for mutation of her name in the revenue records.

3. In further events, petitioner preferred appeal and revision and the same have already been dismissed which impugned the present petition.

4. Learned Standing Counsel vehemently opposed the prayer as made in the petition and controverted the stand taken up by learned counsel for petitioner on the ground that the matter preferred on behalf of respondent no.3 is still pending to be adjudicated finally by respondent no.2 and as such, there is hardly any prejudice caused to petitioner for filing the petition before this Court.

5. The arguments as advanced by learned Standing Counsel seem to be forceful, however the petitioner will be at liberty to press his objection whatsoever has been filed before respondent no.2.

6. Ultimately, learned counsel for petitioner confined his prayer only to the extent that respondent no.2 may be directed to expedite the disposal of Case No.377/454 of 1993-94 (Vimla

Devi Vs. Champa Devi), under Section 34 of U.P. Land Revenue Act, 1901 initiated by respondent no.3 for mutation.

7. Be that as it may, without entering into the merits of the case as well as if there is no other legal impediment available, the respondent no.2 is hereby directed to consider and decide the Case No.377/454 of 1993-94 (Vimla Devi Vs. Champa Devi), under Section 34 of U.P. Land Revenue Act, 1901, as expeditiously as possible, preferably within a period of six months from the date a certified copy of this order is produced before him after affording proper opportunity of hearing to all concerned.

8. With the aforesaid direction, the writ petition is **disposed of**.

Order Date :- 24.11.2023

Vivek Kr.