

Court No. - 51

Case :- WRIT - C No. - 25964 of 2023

Petitioner :- Ganga Ram

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

Counsel for Petitioner :- Sanjay Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Surya Pratap Singh holding brief of Mr. Sanjay Kumar Yadav, Counsel for the petitioner and Mr. R.C. Srivastava, learned Additional Chief Standing Counsel for the State-respondents.

2. The instant petition has been filed for mandamus directing the respondent No.3, Tehsildar, Tehsil-Garh Mukteshwar, District Hapur to decide the mutation proceeding in the light of the objection dated 8.5.2023 filed by petitioner in respect to Khasra Nos. 326, 327 and 328 total area 0.5390 hectare which is pending since January, 2020.

3. Counsel for the petitioner submitted that sale deed alleged to be executed on 7.1.2020 in favour of private respondent no.4 is fraudulent transaction, as such, the mutation applied by respondent no.4 on the basis of alleged sale deed is wholly illegal. He further submitted that respondent no.4 has applied for mutation on the basis of aforementioned sale deed dated 7.1.2020. He further submitted that petitioner has appeared in the aforementioned mutation proceeding and has filed his objection dated 27.4.2023 which is pending before Tehsildar. He submitted that Tehsildar be directed to decide the mutation proceeding considering the objection dated 8.5.2023 filed by petitioner.

4. On the other hand, Mr. R.C. Srivastava, learned Additional Chief Standing Counsel for the State-respondents submitted that no interference is required in the matter as the mutation application is pending before Tehsildar. He further submitted that petitioner has already filed his objection before the mutation Court, as such, the Tehsildar shall decide the same in accordance with law.

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 respondent no.4 has applied for mutation on the basis of sale deed alleged to be executed on 7.1.2020. There is also no dispute about the fact that petitioner filed his objection dated 8.5.2023 which is also pending in the aforementioned mutation case.

7. Since the objection dated 8.5.2023 filed by the petitioner in the aforementioned mutation proceeding is pending, as such, respondent no.3, Tehsildar, Tehsil-Garh Mukteshwar, District Hapur is directed to decide the aforementioned mutation proceeding considering the objection of the petitioner dated 8.5.2023 in accordance with law expeditiously and without granting adjournment in the aforementioned proceeding.

8. The writ petition stands **disposed of**.

Order Date :- 16.11.2023

Vandana Y.