

Court No. - 51

Case :- WRIT - C No. - 34423 of 2023

Petitioner :- Hori Lal Maurya

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Suresh Singh

Counsel for Respondent :- C.S.C.,Azad Rai

Hon'ble Chandra Kumar Rai,J.

1. Heard Sri Suresh Singh, learned counsel for the petitioner, Sri Abhishek Shukla, learned Addl. C.S.C. for the state-respondents and Sri Azad Rai, learned counsel for respondent -gaon sabha.

2. The instant writ petition has been filed for the following reliefs:-

"A. Issue a writ order or direction in the nature of to issue an ad-interim Mandamus commanding to the respondents to delete the name Raj Bahadur son of Sri. Shiv Dulal, resident of Village- Newada (Barari), Village- Barari, Post Office- Vilanada Pargana- Haswa, Tehsil and District Fatehpur from the revenue record over the Gata No. 334, Rakba-0.0440 Hectare and record the same in the name of State/Gaon Sabha, Village- Barari, Post Office-Vilanda, Pargana-Haswa, Tehsil and District Fatehpur.

B. Issue a writ order or direction in the nature of Mandamus commanding to the respondents to decide the application under section 201 of U.P. Revenue Code filed in Case No. 832 of 2002 against the order dated 31.07.2002.

C. Issue a writ order or direction in the nature of Mandamus commanding to the respondents to not disturb the peaceful use of the path and its Party on Gata No. 334 ad measuring Rakba-0.0440 Hectare, Village- Barari, Post Office- Vilanda Pargana- Haswa, Tehsil and District fatehpur.

D. Issue any other writ order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case.

E. To award cost of this petition."

3. Counsel for the petitioner submitted that an application under Section 201 of the U.P. Land Revenue Act was filed for recalling the order passed in the mutation proceeding under Section 34 of the U.P. Land Revenue Act in the year 2002. It is further submitted that mutation order has been passed in illegal manner on the basis of sale deed which cannot be executed. He further submitted that pending application be decided within stipulated time.

4. Learned Addl. C.S.C. and the counsel for the gaon sabha submitted that the mutation proceeding cannot be reopened after more than 20

years. They also submitted that the sale deed has not been challenged by anybody, as such, there is no justification for filing the recall application against the order passed in the mutation proceeding.

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 the mutation proceeding was decided in the year 2002.

7. No case for expeditious disposal of the pending application is made out.

8. The writ petition is, accordingly, dismissed.

Order Date :- 29.11.2023

C.Prakash