

Court No. - 38

Case :- WRIT - C No. - 35598 of 2023

Petitioner :- Mumtaj

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Omkar Nath Rai

Counsel for Respondent :- C.S.C.

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Omkar Nath Rai, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

2. Considering the nature of the controversy involved in the present writ petition, the service of notice upon the private respondents are being dispensed with.

3. The limited prayer made by the petitioner in the present writ petition is for issuance of an appropriate direction to the respondent No. 2 i.e. Tehsildar, Tehsil-Tamkuhiraj, District-Kushi Nagar to decide Case No. 07686 /2018 (Computerized Case No. 201805440307686), under Section 35 of the U.P. Revenue Code, 2006 within the stipulated period of time.

4. It is contended by learned counsel for the petitioner that mutation proceedings were initiated in the year 2018 and till date the same has not been brought to its logical end.

5. Learned counsel for the petitioner has also invited the attention of the Court towards the provisions of the U.P. Revenue Code, 2006 and submits that mutation proceedings are required to be decided at the earliest and the statute provided that such proceedings should be brought to its logical end within a period of 90 days. He submits that period of 90 days has since been expired and, therefore, appropriate directions be issued to the respondent No. 2 i.e. Tehsildar, Tehsil-Tamkuhiraj, District-Kushi Nagar to decide the proceedings.

6. Considering the innocuous prayer made by the petitioner for expeditious disposal of the mutation proceedings and also taking into consideration the fact that the period provided under the statute has since been expired, the writ petition is ***disposed of*** by requiring the respondent No. 2 i.e. Tehsildar, Tehsil-Tamkuhiraj,

District-Kushi Nagar, seized with the Case No. Case No. 07686 / 2018 (Computerized Case No. 201805440307686) , under Section 35 of the U.P. Revenue Code, 2006 to consider and decide the same expeditiously without giving any unnecessary adjournment to either of the parties within a period of three months from the date of service of certified copy of this order, strictly in accordance with law.

Order Date :- 13.10.2023

Deepak/