

Court No. - 51

Case :- WRIT - C No. - 35346 of 2023

Petitioner :- Brij Kumari Pandey

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

Counsel for Petitioner :- Sunil Kumar Pandey, Mateshshwar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Bhupendra Kumar Pandey, Advocate holding brief of Mr. Sunil Kumar Pandey, learned counsel for the petitioner and Mr. S.P. Singh, learned Additional Chief Standing Counsel for the State-respondents.

2. The instant petition has been filed for mandamus directing the respondent no.2 i.e. Naib Tahsildar Pratappur, Tahsil- Handia, District- Prayagraj to decide the mutation Case No.730 of 2023, Computerized Case No.T202302030401451 (Smt. Brij Kumari vs. Uma Shankar), under Section 35 of U.P. Revenue Code, 2006 within stipulated period.

3. Learned counsel for the petitioner submitted that aforementioned mutation case filed by petitioner is still pending before respondent no.2 although Rule 34 (7) of U.P. Revenue Code Rules, 2016 provides 90 days period for the disposal of contested cases although seven months period has already passed. He further submitted that the copy of order sheet of the case has been annexed as Annexure No.3 to the petition in order to demonstrate that the case is not proceeding expeditiously.

4. Without expressing any opinion on merits of the case and keeping in view of the facts and circumstances, respondent no.2 i.e. Naib Tahsildar Pratappur, Tahsil- Handia, District- Prayagraj is directed to decide the aforementioned mutation case on merits after giving an opportunity of hearing to the parties in accordance with law expeditiously preferably within a period of three months from the date of production of certified copy of this order before him.

5. Accordingly, the writ petition is finally ***disposed of.***

Order Date :- 19.10.2023

Rameez