

Court No. - 47

Case :- WRIT - C No. - 35475 of 2023

Petitioner :- Radha Ballabh Kezariwal

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

Counsel for Petitioner :- Ashutosh Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. The writ petition has been filed for the following relief:

(i) issue a writ, order or direction in the nature of mandamus may be issued that respondent no. 3 and 4 to decide the petitioner's representation dated 23.08.2023 which are pending 20 years in the Tehsil Chata District Mathura.

(ii) issue a writ, order or direction in the nature of mandamus directing the respondents to ensure the name of the petitioner in the extract of khatauni as legal heirs after the death of his mother namely Mania Bai who died in year 18.05.2003 as Annexure No. 2 to the Writ Petition.

3. Learned Standing Counsel has raised preliminary objection that proper course open to the petitioner is to move appropriate application under the provisions of U.P. Revenue Code, 2006 instead of making miscellaneous applications.

4. In view of the above, I am not inclined to interfere in the matter.

5. Accordingly, the writ petition is dismissed with liberty to the petitioner to move appropriate application for mutation under the provisions of U.P. Revenue Code, 2006 and in case, the petitioner moves such application, the same will be decided expeditiously, in accordance with law, after hearing all the concerned parties, if there is no other legal impediment.

Order Date :- 6.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)