

Court No. - 6

Case :- WRIT - C No. - 37957 of 2023

Petitioner :- Jeeshan And 16 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ashok Kumar Singh Bais

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondent.

This writ petition has been filed inter alia for the following relief:-

"A) Issue an appropriate writ order or direction in the nature of mandamus directing the respondent nos. 2 and 3 to record the names of petitioners over the land Khasra No. 33 in revenue records, situated at village Dabki, Pargana and Tehsil Sadar, District Saharanpur by deciding the application dated 26.09.2022 submitted by the petitioners within some specific period as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case, so justice may be done.

B)"

It has been stated by the learned counsel for the petitioners that the ancestors of the petitioners were owner of Khasra No. 315 area 139.02 square meter, 431 M. area 512.30 square meter, 490 M. area 64.03 square meter, 524 M. area 179.30 square meter, 505 M area 192 square meter, 507 M area 12.81 square meter, 551 M area 102.43 square meter and Khasra No. 621 area 3842 square meter i.e. total area 1675.91 square meter situated at village Dabki Junardar, Pargana and Tehsil Sadar District Saharanpur and during the consolidation proceeding a new Khasra number 33 has been made which is recorded in revenue record in the name of the petitioners. Pursuant to old Khasra No. 315 ceiling has been initiated before respondent no. 2 and certain land was declared as surplus land and vested in State Government land by order dated 12.09.1978. Aggrieved by the aforesaid order the petitioners filed Ceiling Appeal which was dismissed vide order dated 05.12.2002. The aforesaid orders challenged by means of writ petition which has been allowed in favour of the petitioners, therefore, an application was given by the petitioners before respondent nos. 2 and 3 to mutate names of the petitioners in revenue records, but no order has been

passed till date, thus a direction may be issued to decide the same within stipulated period.

The learned Standing Counsel has no objection to the submission made by the counsel for the petitioner.

No useful purpose would be served by keeping this petition pending in view of the order, which the Court proposes to pass hereunder.

Without entering into the controversy involved in the writ petition, the writ petition is disposed of with a direction to decide the aforesaid application, in accordance with law by a speaking and reasoned order, expeditiously, preferably within a period of two months from the date of producing a certified copy of this order before the concerned authority, if there is no other legal impediment.

It is made clear that this Court has not examined the merits of the claim of the petitioner and the authority concerned shall apply its own mind strictly in accordance with law.

Order Date :- 16.11.2023

Arti