

Court No. - 51

Case :- WRIT - C No. - 42761 of 2023

Petitioner :- Gayalal

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Prakash Veer Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Prakash Veer Tripathi, learned counsel for the petitioner, Mr. Anand Upadhyay, learned State Law Officer for the State Respondent.

2. The instant petition has been filed for mandamus directing the respondent no. 2, Tehsildar, Tehsil Dumariyaganj, District-Siddharth Nagar to decide the pending cases bearing Case No. RST/2572 of 2017, computerized no. T201717630402572, (Gayalal Versus Dashratha) under Section 34 of U.P. Revenue Code, 2006 pending before him, within stipulated period.

3. Learned counsel for the petitioner submitted that aforementioned mutation proceeding is pending since 2017. He further placed the copy of the ordersheet which has been annexed as Annexure No. 2 to the writ petition in order to demonstrate that matter is not proceeding expeditiously as provided under Rule 34(7) of the U.P. Revenue Code Rules, 2016.

4. Mr. Anand Upadhyay, learned State Law Officer submitted that case was dismissed for non-prosecution, which has been restored later on, as such, mutation proceeding is still pending.

5. Without expressing any opinion on merits of the case and keeping in view of the facts and circumstances, respondent no. 2 is directed to decide the aforementioned case on merits after giving an opportunity of hearing to the parties in accordance with law expeditiously preferably within a period of **two months** from the date of production of certified copy of this order before him.

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

Order Date :- 12.12.2023

Anjali