

Court No. - 49

Case :- WRIT - C No. - 42244 of 2023

Petitioner :- Mahendra Kumar Singh

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

Counsel for Petitioner :- Neeraj Singh Yadav, Aman Patel

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Neeraj Singh Yadav, learned counsel for the petitioner and Sri Anand Bhaskar Srivastava, learned Standing counsel appearing for the State-respondent nos. 1 to 3 and perused the material available on record.

2. The present writ petition has been filed, inter alia, for the following relief:

"a. Issue a writ, order or direction in the nature of mandamus directing the respondent authority to expeditious disposal of the Case No. 647 of 2022 as Computerized Case No. T202202030401000 (Mahendra Vs. Noor Hasan), filed under Section 34/35 of U.P. Revenue Code, 2006 pending before the respondent no. 3 / Nayab Tehsildar, Tehsil - Handia, District Allahabad."

3. Learned counsel for the petitioner submits that the Case No. 647 of 2022, Computer Case No. T202202030401000 (Mahendra Vs. Noor Hasan) filed under Section 34/35 of U.P. Revenue Code, 2006 is pending for disposal before the Nayab Tehsildar, Tehsil - Handia, District Allahabad (respondent No. 3) but till date the said proceeding has not been concluded and because of the pendency of the said case the petitioner is facing undue hardship.

4. Sub Rule (7) of Rule 34 of the U.P. Revenue Code Rules, 2016 provides as under:

"(7). The Tahsildar shall make an endeavour to decide the undisputed case of mutation within the period of 45 days from the date of the registration of the case and the disputed case of mutation within the period of 90 days and if the proceeding is not concluded within such period the reason for the same shall be recorded."

5. There is a clear legislative mandate that if proceedings are not concluded within stipulated period of time as provided under the aforesaid provision, reasons for the same shall be recorded.

6. Learned Standing Counsel submits that he has no objection to the extent that a direction is issued by this Court for

expeditious disposal of the case within stipulated period as to be fixed by this Court.

7. In view of the nature of the proposed order to be passed, the service of notice upon the respondent nos. 4 to 8 is dispensed with.

8. Taking into consideration the facts and circumstances of the case, this Court is of the view that no useful purpose would be served in keeping this writ petition pending.

9. Be that as it may, without adverting on the merits of the case, with the consent of the parties present before this Court, the present writ petition is disposed of with a direction to Nayab Tehsildar, Tehsil - Handia, District Allahabad (respondent No. 3), before whom the aforementioned matter is pending for disposal, to decide the Case No. 647 of 2022, Computer Case No. T202202030401000 (Mahendra Vs. Noor Hasan) filed under Section 34/35 of U.P. Revenue Code, 2006 strictly in accordance with law, by a reasoned and speaking order after affording due opportunity of hearing to the parties concerned, expeditiously and preferably within a period of **three months** from the date of receipt of a certified copy of this order, unless there is any legal impediment. It is further provided that no unnecessary adjournments be granted to either of the parties.

Order Date :- 14.12.2023

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