

Court No. - 49

Case :- WRIT - C No. - 43044 of 2023

Petitioner :- Smt. Geeta Devi

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Avanish Kumar Pandey

Counsel for Respondent :- CSC

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Avinash Kumar Pandey, learned counsel for the petitioner, Sri Pradeep Kumar Singh, learned Standing Counsel representing the respondents no.1 & 2 and perused the record.

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

"(i) To direct the Court of Nayab Tehsildar, Tehsil Shorathgarh (respondent no.2) to expedite the proceeding of Case No. 238 of 2022 (Smt. Geeta Devi vs. Nand Lal) under Section 34 of U.P. Revenue Code, 2006, expeditiously, if possible within a stipulated period.

(ii)

(iii)"

3. Learned counsel for the petitioner submits that the case under Section 34 of U.P. Revenue Code, 2006 is pending for disposal since 2022 before the respondent No.2 but till date the proceeding has not been concluded.

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. 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.

8. Accordingly, without advertng on merits of the case and with the consent of the parties, this Court deems it appropriate to finally dispose of the present writ petition with a direction to Nayab Tehsildar, Tehsil Shohrathgarh, District Siddharth Nagar (respondent No. 2), before whom the aforementioned matter is pending for disposal, to decide the Case No. 238 of 2022, strictly in accordance with law, by a reasoned and speaking order on merit after affording 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 directed that no unnecessary adjournments be granted to either of the parties and the adjournment, if prayed for, will be permissible to be granted only in exceptional circumstances.

9. With the aforesaid direction, the present writ petition is **disposed of**.

Order Date :- 14.12.2023

Abhishek Gupta