

Court No. - 8

Case :- WRIT - C No. - 1006106 of 2013

Petitioner :- Smt. Manorama Pandey And Others

Respondent :- District Magistrate Sitapur And Others

Counsel for Petitioner :- Virendra Misra

Counsel for Respondent :- C.S.C.,M.B.Tiwari,Ravindra P. Singh

Hon'ble Pankaj Bhatia,J.

Heard learned counsel for the petitioners and perused the record.

The present writ petition has been filed by the petitioners challenging the order dated 23.10.2009 whereby the application of the petitioners for mutation was not considered in view of the pendency of a civil suit in between the parties. The petitioners also challenge the order dated 29.06.2013, whereby the appeal preferred by the petitioners was dismissed as being not maintainable.

None turned up on behalf of the respondents even when the matter is taken up in the revised call.

Considering the fact that the order dated 23.10.2009 does not record as to whether any prohibitory order was passed in the civil suit or not, I do not see any reason as to why the request of the petitioners for mutation would not be considered by the authority concerned. As the Executive Engineer has failed to exercise its jurisdiction, the order dated 23.10.2009 is quashed. The matter is remanded to the respondent no. 2 to pass the order on the application of the petitioners for mutation in accordance with law, with all expedition preferable within a period of four months from the date of production of certified copy of this order. The same order has been passed in view of the law laid down by this Court in the case of Tilak Dhari Versus Additional Chief Judicial Magistrate, Jaunpur reported in (1993) 2 UPLBEC 1092.

The writ petition stands *disposed of*.

Order Date :- 18.10.2023

Arun