

Court No. - 21

Case :- MATTERS UNDER ARTICLE 227 No. - 3208 of 2023

Petitioner :- Deshraj Vishwakarma @ Deshraj

Respondent :- Nayab Tehsildar Manikpur Tehsil Kunda And Another

Counsel for Petitioner :- Arshad Ahsan Siddiqui

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Pathak,J.

Heard learned counsel for the petitioner, learned standing counsel representing respondent No. 1 and perused the record.

Instant writ petition has been filed, inter alia, for the following relief:

"(I) Issue a, order or direction and commanding the opposite party no. 1 to proceed with Case No. RST/24/2004 (Computerized Case No. T-200402570100024) u/s 34 L. R. Act [now 34 (1) U.P. Revenue Code, 2006], Deshraj Vs Bhola, Village Pahipur, Pargana Manikpur, Tehsil Kunda, District-Pratapgarh, which is instituted in the year of May 2002 and is pending in the court of opposite party no. 1, expeditiously within stipulated time as this Hon'ble Court may deem fit.

(II) Issue any others suitable order or direction which this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case.

(III) Allow this petition with costs."

It is submitted by learned counsel for the petitioner that the mutation application is pending since May, 2002 despite the fact that the statutory period for deciding the aforesaid application as enunciated under Rule 34 (7) of the U.P. Revenue Code Rules, 2016 has already been expired. It is further submitted that the opposite parties already appeared and case is ready for final adjudication.

Learned Standing Counsel has no objection in case a direction is issued for early disposal of the case.

In this conspectus, as above, no useful purpose would be served

to keep this matter pending, therefore, this Court deems it appropriate to finally dispose of the present writ petition, without making any observation on the merits of the case as mentioned in the present writ petition, with a direction to Naib Tehsildar Manikpur, Tehsil Kunda (respondent No.1), before whom the aforementioned matter is pending disposal, to decide the same expeditiously, preferably, within a period of three months from the date of receipt of a certified copy of this order.

It is expected that it should be decided by a reasoned and speaking order, in accordance with law, after affording opportunity of hearing to the parties concerned without granting unnecessary adjournments to either of the parties.

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

Order Date :- 31.5.2023

Saurabh Yadav/-