

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 3567 of 2023

Petitioner :- M.D. Navi

Respondent :- Nayab Tehsildar (Judicial), Tehsil Patti, Pratapgarh And 5 Others

Counsel for Petitioner :- Jay Prakash Singh Vats, Ajay Kumar Soni

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.

The present petition has been filed with the following prayer:-

"1. Issue a order or direction in the nature of Mandamus, commanding and directing the opp. party no.1 to decide the mutation application bearing no.T20060257432/2717, "Habebullah Vs. Ram Sukh" under section 34 of Land Revenue Act, relate to Land Gata No. 398 area 0.797 hectare situated at Village- Sakra, Pargana & Tehsil- Patti, District- Pratapgarh. pending before the court of Nayab Tehsildar (Judicial), Tehsil-Patti, District-Pratapgarh, within stipulated time, in the interest of justice."

It is stated that as per Rule 34(7) of U.P. Revenue Code Rules, 2016 made under the U.P. Revenue Code, 2006, the mutation proceedings, being summary in nature, ought to have been decided within 45 days if there is no dispute and if there is dispute, then the same should preferably be decided within 90 days. However, in the instant case, the proceedings for mutation are pending since August, 2007. In these circumstances, indulgence of this Court is required in the matter. The prayer is to expedite the proceedings of pending case.

Learned State counsel submits that he has no objection in case an expedite order is passed.

Considering the facts and circumstances of the case, this Court is of the view that no fruitful purpose will be served in keeping this petition pending. Accordingly, this petition is disposed of with a direction to the respondent No.2-Nayab Tehsildar (Judicial), Tehsil-Patti, District-Pratapgarh to consider and decide Case No.T20060257432/2717, (Habebullah Vs. Ram Sukh), most expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting any adjournment to either party preferably within a period of three months from the next date fixed in the case, if possible and if there is no other legal impediment in this regard.

It is made clear that this Court has not examined the case of either party on merits and the Authority concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid, the petition is **disposed** of.

Order Date :- 17.10.2023/Raj