

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5099 of 2023

Petitioner :- Smt. Usha Devi

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Revenue, Lucknow And 3 Others

Counsel for Petitioner :- Somdutta Singh

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-respondents is hereby dispensed with.

The present petition has been filed for the following main relief:-

"i. to direct the opposite party no. 2 to decide for expediting the proceedings of Case No. 5541 of 2022 as well as Computerized Case No. T202202570205541, Usha Devi Versus Sanjay Kumar" and Others expeditiously in a time bound manner, 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 July 2022 and on account of pendency of the same, the petitioner is suffering great hardship and mental agony. In these circumstances, indulgence of this Court is required in the matter. The prayer is to direct the respondent no.2 to decide the pending proceedings within stipulated time.

It is further submitted that though a large number of dates have been fixed, however, for the reasons beyond control, the matter has not yet been decided.

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

Considering the facts and circumstances, this Court is of the opinion that no gainful purpose will be served in keeping the aforesaid petition pending rather ends of justice can be served by directing the respondent No.-2/Nayab Tehsildar, Pargana Rampur, Tehsil Lalganj, District Pratapgarh to consider and decide the pending proceedings of Case No. 5541 of 2022 as well as Computerized Case No. T202202570205541, (Usha Devi Versus Sanjay Kumar) most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment to either of the parties preferably within a period of three months from the next date fixed before it, if there is no other legal impediment in this regard.

It is made clear that the Court has not examined the case of either of the parties 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 :- 10.10.2023

Jyoti/-