

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5108 of 2023

Petitioner :- Ishwari Singh

Respondent :- Sub Divisional Magistrate, Tehsil Patti, Pratapgarh And Others

Counsel for Petitioner :- Manoj Kumar Mishra, Ajit Shukla, Neha 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 reliefs:-

"i) Issue an order or direction to the opposite parties specially opposite party No. 1 i.e. Sub Divisional Magistrate, Tehsil-Patti Pratapgarh to consider and decide the Transfer application dated 28.04.2023 under section 212 U.P Revenue Code 2006 "Meetadevi Versus Ishwari Singh" as expeditious as possible or within a period as stipulated time by this Hon'ble Court, in the interest of justice.

(ii) Direct the concern authority who so ever Tehsildar, Tehsil- Patti, District- Pratapgarh, to decide the mutation application which is registered suit No. 5283/2021 computerized case No. T2021025705283 "Ishwari Singh Versus Rampal" under section 34 of U.P. Revenue Code, 2006 as expeditious as possible or within a period as stipulated time by this Hon'ble Court, in the interest of justice."

At the very outset, learned Counsel for the petitioner stated that he would press only relief no.1 at this stage and liberty may kindly be granted to approach this Court by the relief no. 2 at appropriate stage.

In regard to the relief no. 1 quoted above, learned Counsel for the petitioner stated that a mutation case instituted in the year 2021 registered as Case No. 5283/2021 computerized case No. T2021025705283 (Ishwari Singh Versus Rampal), was at the final stage and on account of preferring an application for transfer, which is pending consideration before respondent no.1, the same could not be disposed of till date. He further states 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 2021 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.1 to decide the pending application 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.-1 to consider and decide the pending transfer application preferred in relation to Case No. 5283/2021 computerized case No. T2021025705283 (Ishwari Singh Versus Rampal) 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.

The liberty is also granted to the petitioner to approach this Court at appropriate stage with regard to relief no.2.

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/-