

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5168 of 2023

Petitioner :- Smt. Shimla Sharma

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue,
Lucknow And 2 Others

Counsel for Petitioner :- Avadhesh Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania,J.

1. Heard.

2. Learned counsel for the petitioner stated that necessary parties could not be impleaded inadvertently and he may be permitted to implead same in the array of the parties during course of the day.

3. To the aforesaid prayer, no serious objection has been raised by the learned counsel for the State.

4. Accordingly, the prayer is acceded.

5. Learned counsel for petitioner is permitted to implead the necessary parties during the course of day.

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

7. By means of this petition, the petitioners seek expeditious disposal of Case No. T202104040302070 filed under Section 34 of the U.P. Revenue Code, 2006 which is pending before the respondent No.2.

8. Taking note of the fact that the mutation case, as per Rule 34(7) of the U.P. Revenue Code Rules, 2016 made under the U.P. Revenue Code, 2006, being summary in nature, should be decided preferably within 45 days if there is no dispute and if there is dispute, the same shall be decided within 90 days and in the instant case, the mutation case instituted under Section 34 of

U.P. Revenue Code, 2006 is pending since 2021, this Court is of the opinion that no gainful purpose will be served in keeping the present petition pending.

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

10. 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-Tehsildar (Judicial), Tehsil - Tanda, District- Ambedkar Nagar to consider and decide Case No. T202104040302070, 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.

11. 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.

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

Order Date :- 12.10.2023/Mohit Singh/-