

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5240 of 2023

Petitioner :- Vimla Devi @ Vimla Yadav

Respondent :- Nayab Tahsildar, Tahsil Lalganj, Pratapgarh And Another

Counsel for Petitioner :- Alok Kumar Tripathi, Sandeep Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

At the very outset, learned Counsel for the petitioner stated that inadvertently the proper necessary opposite party could not be arrayed in the memo of petition and as such he may be permitted to implead the proper opposite party.

Learned State Counsel has no objection to the prayer made by the learned Counsel for the petitioner.

Accordingly, the petitioner is permitted to implead the necessary opposite party during the course of the day.

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) direct the Nayab Tahsildar, Tahsil Lalganj, District Pratapgarh, the opposite party no.1, to decide Case No. 2136/2021 (Computerized No. T202102570202136) "Smt. Vimla Devi Vs. Ram Pher" filed under Section 34 of U.P. Revenue Code, 2006 pending before it expeditiously or within the time stipulated by this Hon'ble Court."

It is stated that as per ***Rule 34(7) of U.P. Revenue Code Rules, 2016 made under the U.P. Revenue Code***, the mutation proceedings being summary in nature, ought to have been decided preferably within 45 days if there is no dispute and if there is dispute, the same ought to have been decided preferably within 90 days. However, the proceedings which were initiated by the petitioner in the year 2021, have not been concluded till date. In these circumstances, the indulgence of this Court is required.

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. Accordingly, in the ends of justice the respondent No.-2 is directed to consider and decide the pending proceedings of Mutation Case

No. 2136/2021, Computerized No. T202102570202136 (Smt. Vimla Devi Vs. Ram Pher) most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment to either of the parties preferably within 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 :- 16.10.2023

Jyoti/-