

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5360 of 2023

Petitioner :- Vinod Kumar

Respondent :- Tehsildar (Judicial), Tehsil Ramsanehi Ghat, Barabanki And Another

Counsel for Petitioner :- Durga Prasad Shukla, Garima Singh

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

In view of the order proposed to be passed by this Court, notice to the private-respondents is dispensed with.

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

"I. Issue a direction for commanding the opposite party no.1 to decide the Case no.T202304120201251 (1251/2023) under section 34 Revenue Code 2006, Village- Poore Thakur Pandey, Tehsil-Ramsanehi Ghat, District Barabanki. "Kuldeep Vs. Devraj" expeditiously."

Learned Counsel for the petitioner stated that with regard to property in issue i.e. Gata No. 752 are 0.04010 hectare situated at Rampur, Pargana Sooryapur, Tehsil Ram Sanehighat, District Barabanki, an order in mutation case in favour of the petitioner was passed on 23.02.2023 and thereafter an application for mutation was preferred by respondent no.2/Kuldeep, which is pending as Case No. T202304120201251 (Kuldeep Vs. Devraj), before respondent no.1/Tehsildar (Judicial), Tehsil Ramsanehi Ghat, District Barabanki and in the said case a report dated 21.03.2023 has also been submitted by concerned Lekhpal and petitioner has also filed the objections and almost five months have elapsed, however, till date the case has not been decided till date, though 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. As such, 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 rather ends of justice can be served by directing the respondent No.-1 to consider and decide the pending Case No. T202304120201251 (Kuldeep Vs. Devraj) most expeditiously, after affording full opportunity of hearing to the parties, but without granting any adjournment to either of the parties preferably within a period of three months from the next date fixed in the matter, 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 :- 18.10.2023/Jyoti/-