

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5420 of 2023

Petitioner :- Kamla Yadav

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

Counsel for Petitioner :- Farooq Ayoob, Km. Pooja Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

The present petition is filed with the following prayer:-

"i. issue a direction to the opposite party No. 2 i.e. Nayab Tehsildar Dariyabad, Tehsil Ramsanehighat, District-Barabanki to decide the pending Case No.810/153/96/68/2012/2013 under Section-34 of the U.P. Land Revenue act 1901 "Smt. Kamla Versus Ghanshyam, pending since 11.2.2008 expeditiously within stipulated period as early as possible."

At the very outset, learned State Counsel Shri Prafulla Kumar, Additional Chief Standing Counsel, based upon the instructions received says that in terms of the order of this Court, the portal pertaining to the case of revenue court has been corrected and in the same in relation to the case, in issue, the correct statutory provision has been indicated and the presently the case is pending as Case No.810/153/96/68/2012/2013, (Smt. Kamla Versus Ghanshyam), filed under Section-34 of the U.P. Land Revenue Act 1901 (in short "Act of 1901").

With regard to main prayer sought, the learned counsel for the petitioner 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 2008. In these circumstances, indulgence of this Court is required in the matter. The prayer is to expedite the proceedings of pending case.

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

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-Nayab Tehsildar Dariyabad, Tehsil Ramsanehighat, District-Barabanki, to

consider and decide Case No.810/153/96/68/2012/2013, (Smt. Kamla Versus Ghanshyam) 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.

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.

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

Order Date :- 19.10.2023

Raj