

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5472 of 2023

Petitioner :- Sunita Devi

Respondent :- Naib Tehsildar, Tehsil Salon, Raebareli And Others

Counsel for Petitioner :- Amit Gupta, Vinay Kumar Yadav

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-respondent(s) is hereby dispensed with.

Present petition has been filed for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to direct the Opposite Party No. 1, Naib Tehsildar, Salon, District-Rae Bareli to decide the Case No. T202110580603384 under section 34/35 of the U.P. L.R. Act (Budha Devi Vs. Gajadhar) filed by the Opposite Party No. 2 with connected Case No. T20231058060581 under section 34 of the U.P. Revenue Code (Sunita Devi Vs. Gajadhar) filed by the petitioner which is still pending with in specific period as prescribed by the Hon'ble Court in the interest of Justice."

It is stated that the case(s) mentioned in the prayer clause aforesaid, relate to the proceeding under Section 34 of the U.P. Revenue Code, 2006 and the same have 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.

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.1-Naib Tehsildar, Salon, District-Raebareli to consider and decide Case(s), in issue, i.e. Case No. T202110580603384 and Case No. T20231058060581, 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/Vinay/-