

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5506 of 2023

Petitioner :- Shri Ram Janki Ji Maharaj Virajman Mandir Jarmau, Barabanki Thru. Sarvarakar Shankar Baksh Singh

Respondent :- Nayab Tehsildar, Mandal Barabanki, Tehsil Haidergarh, Barabanki And Another

Counsel for Petitioner :- Prashant Vikram Singh, Akshaya Pratap Singh

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the parties.

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

By means of this petition, the petitioner seeks expeditious disposal of Case No. 3974/2021, Computerized Case No. T202104120503974 (Shri Ram Janki Ji Maharaj Virajman Mandir Jarmau Sarvarakar Shankar Baksh Singh Shankar vs. Shri Ram Janki Ji Maharaj Virajman Mandir Jarmau Sarvarakar Smt Jairaj Kunwari), filed under Section 34 of the U.P. Revenue Code, 2006, which is pending before the respondent No. 1/Nayab Tehsildar, Mandal Barabanki, Tehsil Haidergarh, Barabanki.

It is stated that the mutation proceedings are summary in nature and being so, the same ought to have been decided expeditiously. It is further stated that in the law applicable w.e.f. 11.02.2016 namely 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 of mutation are pending since 17.06.2021 and on account of pendency of the same, the petitioner, who is aged about 60 years, is suffering great hardship and mental agony. In these circumstances, the indulgence of this Court is required. The prayer is to expedite the said pending proceedings.

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 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 to consider and decide the Case No. 3974/2021, Computerized Case No. T202104120503974 (Shri Ram Janki Ji Maharaj Virajman Mandir Jarmau Sarvarakar Shankar Baksh Singh Shankar vs. Shri Ram Janki Ji Maharaj Virajman Mandir Jarmau Sarvarakar Smt Jairaj Kunwari) 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 there is no other legal impediment in this regard.

It is made clear that the 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/Arun/-