

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5618 of 2023

Petitioner :- Kishan Singh @ Kishan Chandra

Respondent :- Naib Tahsildar Aurangabad, Tahsil Mishrit, Sitapur And Others

Counsel for Petitioner :- Sarvesh Kumar Shukla

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 has sought the following main reliefs:-

"i. Issue an, order or direction commanding the opposite party No.1 to decide the interim relief application along with Mutation Case No.1850/2018 Computerized Case No.T201810640101850 under section 34 UP Revenue code-2006 Kishan Singh @ Kishan Chandra versus Babu Singh pending before Naib Tahsildar Aurangabad, Tahsil-Mishrit,-Sitapur /opposite party No. 1 with in two weeks or on the next fixed date or as soon as possible in the interest of justice.

ii. Issue an, order or direction commanding the opposite party No. 3-5 not to alienate the property in question and also not to disturb the peaceful possession of the petitioner over the land in dispute till disposal of the Mutation Case No.1850/2018 Computerized Case No. T201810640101850 under section 34 U.P Revenue code-2006 Kishan Singh @ Kishan Chandra versus Babu Singh pending before Naib Tahsildar Aurangabad, Tahsil-Mishrit,-Sitapur /opposite party No.1 in the interest of justice.

iii. Issue an, order or direction commanding the opposite party No.2 not register any sale deed regarding the land in dispute till disposal of the Mutation Case No. 1850/2018 Computerized Case No.T201810640101850 under section 34 U.P Revenue code-2006 Kishan Singh @ Kishan Chandra versus Babu Singh pending before Naib Tahsildar Aurangabad, Tahsil-Mishri Sitapur/opposite party No. 1 in the interest of justice."

Considering the fact that the case in issue relates to mutation and 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 2018, this Court is of the view that no gainful purpose will be served in keeping the present petition pending.

Accordingly, the present petition is disposed of with a direction to the respondent No. 1 to consider and decide the Case No.1850/2018, Computerized Case No. T201810640101850 (Kishan Singh @ Kishan Chandra versus Babu Singh) 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 :- 2.11.2023

Arun/-