

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5639 of 2023

Petitioner :- Ram Baran

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue, Lucknow And Others

Counsel for Petitioner :- Pankaj Kumar Singh, Vaibhav Chauhan

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. suitable direction commanding the opposite party no. 2/ Tehsildar (Judicial), Tehsil Mankapur, District Gonda to decide the Recall application moved by the opposite party no. 4 on 11.05.2023, seeking recall of order dated 28.04.2023, passed in Case No. RST/1620 of 2017, Computerized Case No. T-2017083047071620 U/s- 34/35 of U.P. Revenue Code, titled as Ram Baran vs. Nathuram and others, within specific time frame as court may deem fit just and proper."

Considering the fact that a mutation case instituted by the petitioner i.e. Case No. RST/1620 of 2017, Computerized Case No. T-2017083047071620 (Ram Baran Versus Nathuram and others) under Section 34/35 of U.P. Revenue Code, 2006 (in short 'Code of 2006') was decided on 28.04.2023 after the order of this Court dated 15.07.2022 passed in Matter under Article 227 No. 2377 of 2022 (Ram Baran Versus State of U.P. and Others) and thereafter an application dated 11.05.2023 was preferred by respondent no. 4 for recall of order dated 28.04.2023 and the same is pending consideration till date, though mutation proceedings being summary in nature, should be decided expeditiously, the present petition is disposed of with direction to respondent No.-2, to consider and decide the pending application dated 11.05.2023 in Case No. RST/1620 of 2017, Computerized Case No. T-2017083047071620 (Ram Baran Versus Nathuram and others), most expeditiously, after affording full opportunity of hearing to the parties, preferably within a period of three months from the next date fixed before it. To conclude the proceedings, the time specified the respondent no.2 shall not grant any adjournment to the parties to the litigation.

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 :- 3.11.2023

Jyoti/-