

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5634 of 2023

Petitioner :- Mahesh Pratap Singh

Respondent :- The State Of U.P. Thru. Prin. Secy., Revenue Deptt., Lucknow And Another

Counsel for Petitioner :- Sunendra Kumar

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-respondents is hereby dispensed with.

The present petition has been filed for the following main relief:-

"1.Issue a, order, or direction commanding to the opposite party No-2 to decide the mutation case No-T2017106442002131 in re, Mahesh Pratap Singh Versus Budhyavijay, expeditiously as possible with in stipulated time(60 days). Annexure No. 2.

2.Issue a, order, or direction commanding the opposite party No-2 to finally heard the mutation case No-T2017106442002131 in re, Mahesh Pratap Singh Versus Budhyavijay, expeditiously as possible with in stipulated time, without any influence of illegal strike of Bar."

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 2017, this Court is of the view that no gainful purpose will be served in keeping the aforesaid petition pending.

Accordingly the present petition is disposed of with direction to respondent No.-2 to consider and decide the pending proceedings of Mutation Case No.T2017106442002131 (Mahesh Pratap Singh Versus Budhyavijay), most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment, preferably within a period of three months from the next date fixed before it, if there is no other legal impediment in this regard.

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/-