

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5660 of 2023

Petitioner :- Shyam Sunder And Others

Respondent :- District Collector, Pratapgarh And Others

Counsel for Petitioner :- Surya Narayan Singh, Ajit 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 petitioners have sought the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to issue order or direction thereby Commanding the Respondent No.2 to decide pending Mutation Case No. 03294/2019 Computerized No. T201902570103294 (Chhedi Lal, Shyam Sunder, Amar Nath & Rajendra Prasad Vs Paras Nath, Surendra, Sadashiv, Ram Dulare, Shiv Dulare, Kesav Prasad, Atul Kumar Kalawati, Shiv Shanker, Harish Chandra & Dhanesh Kumar) within stipulated time in the interest of justice for proper adjudication of the case."

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 2019, 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. 2 to consider and decide the Case No. 03294/2019, Computerized Case No. T201902570103294 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 :- 6.11.2023

Arun/-