

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5858 of 2023

Petitioner :- Rizwan Ahmad And Others

Respondent :- Naib Tehsildar, Balrampur And Another

Counsel for Petitioner :- Ambrish Kumar Dubey, Naqibullah Khan

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

At the very outset, learned Counsel for the petitioner stated that inadvertently the proper necessary opposite party could not be arrayed in the memo of petition and as such he may be permitted to implead the proper opposite party.

Learned State Counsel has no objection to the prayer made by the learned Counsel for the petitioner.

Accordingly, the petitioner is permitted to implead the necessary opposite party during the course of the day.

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

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

"I. Issue an order or direction commanding the opposite party No.1 to dispose of the pending application dated 04.06.2019 for recalling the ex-parte order dated 04.05.2019 passed in Case No. 10141 T20190810010023 at an early date, in the interest of justice."

In view of the settled principles of law that mutation proceedings being summary in nature, should preferably be decided expeditiously and the present petition is pending since long, 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.-1/ Naib Tehsildar, Balrampur, District Balrampur, to consider and decide the pending application dated 04.06.2019 in Mutation Case No. 10141, T20190810010023, 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 :- 9.11.2023

Jyoti/-