

**Court No. - 18**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 5853 of 2023

**Petitioner :-** Rampati

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

**Counsel for Petitioner :-** Seraj Ahmad 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 due to typographical error statutory provision, could not be corrected and he may be permitted to correct the same during the course of the day.

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

Accordingly, the petitioner is permitted to correct the provisions in the memo of petition, during the course of the day.

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:-

"(i) To direct the opposite party No. 2 i.e. Tehsildar, Tehsil Bikapur, District Ayodhya to decide the mutation Case No. T2013042331183, U/S 34 Uttar Pradesh Revenue Act-1801 Code, 2006, 'Ram Pati Vs. Phoola', relating to village Rampur Ahirauli, Pargana Paschim Rath, Tehsil Bikapur, District Ayodhya expeditiously preferable within a stipulated period as fixed by this Hon'ble Court in the interest of justice."

It is stated that the mutation proceedings are summary in nature and being so, the same ought to have been decided expeditiously. It is further stated that as per law applicable w.e.f. 11.02.2016 namely **Rule 34(7) of U.P. Revenue Code Rules, 2016 made under the U.P. Revenue Code, 2006**, the limitation has been prescribed for deciding the mutation case as per which 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, the proceedings which were initiated in the year 2013, have not been concluded till date and on account of pendency of the same, the petitioner is suffering great hardship and mental agony. In these circumstances, the indulgence of this Court is required. The prayer is to expedite the said pending proceedings.

It is further submitted that though a large number of dates have been fixed, however, for the reasons beyond control, the matter has not yet been decided.

Learned standing counsel submits that he has no objection in case an expedite order is passed.

Considering the facts and circumstances, this Court is of the opinion that no gainful purpose will be served in keeping the aforesaid petition pending rather ends of justice can be served by directing the respondent No.-2 to consider and decide the pending proceedings of Case No. T2013042331183 (Ram Pati Vs. Phoola) most expeditiously, after affording full opportunity of hearing to the parties, preferably within a period of three months from the next date fixed in the matter, if there is no other legal impediment in this regard. To conclude the proceedings within time specified the authority shall not grant any adjournment.

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/-