

Court No. - 21

Case :- MATTERS UNDER ARTICLE 227 No. - 5886 of 2023

Petitioner :- Shri Bhagwan

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

Counsel for Petitioner :- Himanshu Tiwari, Sunita Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Mrs. Sunita Dwivedi, learned counsel for the petitioner, and learned Standing Counsel for the State-respondent nos.1 & 2 and perused the record.

2. The instant writ petition has been filed, inter alia, for the following relief:

"(i) Issue a order or direction to the respondent no. 2 to decide the case no. 1249 / 2023 (Computerized Case No. T202304710501249), (Bhagwan Pandey Vs. Ram Chandar), under Section 34 of U.P. Revenue Code, 2006, village Ghoraha, Pargana Asal, Tehsil & District Amethi, which is pending before the court of Nayab Tehsildar, Asal, Tehsil & District Amethi, within stipulated time."

3. The contention of the learned counsel for the petitioner is that the proceeding in Case No. 1249 / 2023, Computer Case No. T202304710501249 (Bhagwan Pandey Vs. Ram Chandar), under Section 34 of U.P. Revenue Code, 2006 is pending before the Nayab Tehsildar, Asal, Tehsil & District Amethi (respondent no. 2) but till date the said proceeding has not been concluded and because of the pendency of the said case the petitioner is facing undue hardship.

4. Sub Rule (7) of Rule 34 of the U.P. Revenue Code Rules, 2016 provides as under:

"(7). The Tahsildar shall make an endeavour to decide the undisputed case of mutation within the period of 45 days from the date of the registration of the case and the disputed case of mutation within the period of 90 days and if the proceeding is not concluded within such period the reason for the same shall be recorded."

5. There is a clear legislative mandate that if proceedings are not concluded within the period of time as provided under the aforesaid provision, reasons for the same shall be recorded.

6. Learned Standing Counsel submits that he has no objection to the extent that a direction is issued by this Court for expeditious disposal of the above mentioned case, within stipulated period as fixed by this Court.

7. In view of the nature of the proposed order to be passed, the service of notice upon the respondent nos. 3 to 7 is dispensed with.

8. Taking into consideration the facts and circumstances of the case, this Court is of the view that no useful purpose would be served in keeping this writ petition pending.

9. Accordingly, without advertent on merits of the case, with the consent of learned counsel for the parties, this Court deems it appropriate to finally dispose of the present writ petition, with a direction to the Nayab Tehsildar, Asal, Tehsil & District Amethi (respondent no. 2), before whom the Case No. 1249 / 2023, Computer Case No. T202304710501249 (Bhagwan Pandey Vs. Ram Chandar), under Section 34 of U.P. Revenue Code, 2006 is pending for disposal, to decide the same strictly in accordance with law, by a reasoned and speaking order on merit, after affording opportunity of hearing to the parties concerned, expeditiously and preferably within a period of **three months** from the date of receipt of a certified copy of this order, unless there is any legal impediment. It is further directed that no unnecessary adjournments be granted to either of the parties.

10. In case the lawyers do not co-operate with the proceedings either on account of abstainment from work or otherwise, the court concerned shall permit personal appearance of the parties to address it on the merits of the aforesaid case.

11. With the aforesaid direction, the present writ petition is **disposed of**.

Order Date :- 17.11.2023

Arif