

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 6135 of 2023

Petitioner :- Akshay Kumar

Respondent :- Tehsildar (Judicial), Aknbarpur, Tehsil Akbarpur, Ambedkar Nagar And Others

Counsel for Petitioner :- Om Prakash Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Shree Prakash Singh,J.

1. Heard Shri Om Prakash Yadav, learned counsel for the petitioner and learned Standing Counsel for the State.

2. The instant petition has been filed with the following prayer:-

"Wherefore, it is humbly prayed that this Hon'ble Court may graciously be pleased to direct the opposite party No. 1 to decide the case of the petitioner bearing case No. T2009044198 (Akshay Kumar Vs. Bindeshwari) Under Section 34 Land Revenue Act relating to Village Majisa, Pargana & Tehsil Akbarpur, District Ambedkar Nagar pending before the Learned Tehsildar (Judicial), Tehsil Akbarpur, district Ambedkar Nagar within stipulated period as fixed by this Hon'ble Court, in the interest of justice."

3. The counsel appearing for the petitioner submits that proceeding under Section 34 of the Land Revenue Act is pending before Tehsildar (Judicial), Tehsil Akbarpur, district Ambedkar Nagar since year 2002 and his innocuous prayer is that the Presiding Officer concerned may be directed to decide the same within stipulated period of time as may be fixed by this Court.

4. On the other hand, the counsel appearing for the State submits that in compliance of the order dated 07.12.2023, Tehsildar (Judicial), Tehsil Akbarpur, district Ambedkar Nagar is present before this Court and on his instructions he submitted that the matter was listed on 17.11.2023, wherein none present for the petitioner before the

Tehsildar concerned and that is why the same was dismissed for want of prosecution, though an application for recall is moved in which the date on 19.12.2023 is fixed. He added that after 2002 several set of litigations were instituted and for those reasons the mutation proceeding could not be decided.

5. Considering the submission of the counsel for the parties, Tehsildar (Judicial), Tehsil Akbarpur, district Ambedkar Nagar is hereby directed to decide the mutation case no.T2009044198 within period of 90 days including the application for recall of the order in accordance with law.

6. No unnecessary adjournments shall be granted to either of the parties.

7. This order is subject to the cooperation of the petitioner.

8. In view of the aforesaid observation, the instant petition is hereby **disposed of**.

9. The personal appearnace of the Tehsildar Judicial is hereby exempted.

Order Date :- 13.12.2023
Mohd. Sharif