

Court No. - 21

Case :- MATTERS UNDER ARTICLE 227 No. - 6288 of 2023

Petitioner :- Rajendra Pratap Mishra And Others

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

Counsel for Petitioner :- Vijai Kumar Shukla, Desh Deepak

Counsel for Respondent :- C.S.C.

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioners and learned Standing Counsel appearing for the Respondents No. 1 and 2.

2. In view of the proposed order, notices to Respondents No. 3 and 4 are dispensed with.

3. Learned counsel appearing for the petitioners has submitted that petitioners filed a Mutation Case No. 2540 of 2022, Computerized Case No. T20224230102540 (Rajendra Pratap Mishra and others Vs. Ram Singar Mishra) which was dismissed for non-prosecution on 16.05.2022. It has further been submitted that petitioners have filed an application for recall of order dated 16.05.2022.

4. Learned counsel appearing for the petitioners has argued that recall application filed by the petitioners has not been decided.

5. Learned counsel appearing for the petitioners has invited attention of this court towards Rule-34(7) of the U.P. Revenue Code Rules, 2016 wherein categorical provision has been made that undisputed mutation cases should be decided within 45 days and disputed mutation cases should be decided within 90 days.

6. Learned counsel appearing for the petitioner has argued that in spite of there being categorical provision under the aforesaid Rules for expeditious disposal of the mutation cases, till date, petitioners' case has not been decided.

7. I have considered submissions advanced by the learned counsel appearing for the petitioners and I find that mutation case filed by the petitioner has been dismissed for non prosecution on 16.05.2022. Petitioners have filed application for recall of order dated 16.05.2022 but till date, the said recall

application has not been decided.

8. In view of the aforesaid submissions advanced by the learned counsel appearing for the petitioners, this writ petition is ***disposed of*** with a direction to Respondent No. 2 to decide the application for recall of order dated 16.05.2022 expeditiously preferably within a period of two months and if the order dated 16.05.2022 is recalled and mutation case is restored to its original number, Respondent No. 2 shall decide the Mutation Case No. 2540 of 2022, Computerized Case No. T20224230102540 (Rajendra Pratap Mishra and others Vs. Ram Singar Mishra) expeditiously preferably within a period of six months from the date of restoration of the mutation case.

Order Date :- 16.12.2023

A. Mandhani