

Court No. - 21

Case :- MATTERS UNDER ARTICLE 227 No. - 6274 of 2023

Petitioner :- Bhawam Bhawani Sewa Charitable Trust, Sultanpur Thru. Member, Mukesh Tiwari

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

Counsel for Petitioner :- Sunil Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Manjive Shukla,J.

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

2. In view of the proposed order, notices to Respondents No. 3 to 5 are dispensed with.

3. Learned counsel appearing for the petitioner has submitted that petitioner has filed a case for mutation on 16.06.2022 before Tehsildar, Tehsil Jaisinghpur, District Sultanpur which has been registered as Mutation Case No. 1957 of 2022, Computerized Case No.T202204680701957 (Bhawam Bhawani Sewa Charitable Trust through Member Mukesh Tiwari Vs. Ram Charitra).

4. Learned Counsel for the petitioner has further submitted that the aforementioned case was filed on 01.06.2022 and since then matter is pending before Respondent No. 1.

5. Learned counsel appearing for the petitioner has argued that under Rule 34(7) of the U.P. Revenue Code Rules, 2016, it has been provided that mutation cases are to be decided within a period of 90 days.

6. I have considered the submissions advanced by the learned counsel appearing for the petitioner and I find that Rule 34(7) of the U.P. Revenue Code Rules, 2016 provides that disputed mutation cases are to be decided within a period of 90 days. For ready reference, Rule 34(7) of the U.P. Revenue Code Rules, 2016 is extracted as under:

"34 (7). The Tehsildar 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."

7. Since there is provision under Rule 34 (7) of U.P. Revenue Code Rules, 2016 for deciding the cases of mutation within the stipulated period, therefore, it was obligatory upon the Respondent No. 1 to make earnest endeavour to decide the case of the petitioner within the time stipulated in the aforementioned Rule 34 (7) but this court finds that mutation case filed by the petitioner is pending since 01.06.2022.

8. In view of the aforesaid reasons, without entering into merits of the case, this writ petition is finally ***disposed of*** with a direction to Respondent No. 1 to decide the pending Mutation Case No. 1957 of 2022, Computerized Case No.T202204680701957 (Bhawam Bhawani Sewa Charitable Trust through Member Mukesh Tiwari Vs. Ram Charitra) expeditiously preferably within a period of three months from the date of presentation of certified copy of this order.

Order Date :- 16.12.2023

A. Mandhani