



2024:UHC:8551

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 3135 of 2024

Gurnaam Singh

.....Petitioner

Versus

State Of Uttarakhand and another

.....Respondents

Presence:-

Mr. Vikas Anand, learned counsel for the petitioner.

Mr. Yogesh Chandra Tiwari and Mr. Rajesh Pande, learned
Standing Counsel for the State.

Dated : 18.11.2024

Hon'ble Vivek Bharti Sharma, J.

This writ petition is preferred for seeking a direction in the nature of mandamus directing the court below/Presiding Judge to expeditiously decide Mutation Case No. 30/3036 of 2021-2022 'Gurnaam Singh Vs. Jairnael Singh' under Section 34 of the Land Revenue Act pending before the Court of Tehsildar, Rudrapur, District Udham Singh Nagar.

2. Counsel for the petitioner would submit that the petitioner had acquired the land having Khata No. 00191 Khet No. 177 situated at Rudrapur, Udham Singh Nagar from his father vide Gift Deed dated 25.03.2023; that, the petitioner filed a Mutation Case No. 30/3036 of 2021-2022 'Gurnaam Singh Vs. Jairnael Singh' under Section 34 of the Land Revenue Act to mutate his name in the Revenue Record before the Revenue Authority, Rudrapur, District Udham Singh Nagar; that, the said case was registered in the court concerned on 23.04.2022;



that, the respondent no.2 also filed his objection on 28.05.2022.

3. Counsel for the petitioner would further submit that the grievance of the petitioner is that since 2022, when the mutation case was filed by the petitioner, several dates were fixed but in most of the dates the matter could not be heard merely for the reason that the Presiding Officer is busy in some other administrative work, therefore, he prayed that the concerned court be directed to decide the aforesaid case expeditiously.

4. State counsel does not dispute the submissions made by counsel for the petitioner that the case has been adjourned on most of the dates because the Presiding Officer was busy in some other administrative work.

5. Perused the record in view of the submissions made by counsel for the parties.

6. Perusal of the order sheet of the court of Tehsildar, Rudrapur, District Udham Singh Nagar annexed with the writ petition would substantiate the submission of the learned counsel for the petitioner that the Presiding Officer could not hear the matter due to his busyness in some other administrative work; that, approximately 70 dates were fixed in the case out of which on 40 occasions, the case was adjourned for above said reason.

7. The situation cannot be appreciated even if maximum latitude is given for administrative laxity.



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Judicial work should also be given the primacy apart from the administrative work. A litigant should not be deprived of his/her right on the ground that the concerned officer is busy in administrative work.

8. In view of the above facts and circumstance, the writ petition is disposed of with the direction to concerned authority/Tehsildar, Rudrapur, District Udham Singh Nagar to decide the Mutation Case No. 30/3036 of 2021-2022 '*Gurnaam Singh Vs. Jairnael Singh*' under Section 34 of the Land Revenue Act within a period of three months from today, in accordance with law, without granting unnecessary adjournment to either of the parties and after affording full opportunity of hearing to the parties concerned.

(Vivek Bharti Sharma, J.)
18.11.2024

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RANI**
Digitally signed by MAMTA RANI
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OFFICE OF UTTARANCHAL, c=IN
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