

Court No. - 4

Case :- WRIT - C No. - 5174 of 2024

Petitioner :- Smt Kanti

Respondent :- Addl. Commissioner Administration Lko And 4 Others

Counsel for Petitioner :- Shobh Nath Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Shri Shobh Nath Pandey, learned counsel for petitioner, Shri P.K. Singh, learned Additional Chief Standing Counsel for State/respondent no. 1 and 2 and perused the material available on record.

2. By means of the present writ petition, the petitioner has sought following reliefs:-

"(i) Issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated 27.09.2023 passed by learned Additional Commissioner (Administration) Ayodhya Division, Ayodhya as contained in Annexure No. 1.

(ii) Issue a writ order or direction in the nature of Mandamus commanding the opposite party no. 2 to decide the mutation proceedings pending before the Nayab Tehsildar Nagar, Tehsil Sadar, District Ayodhya in Case No.T201904230108113 under Section 34 of the U.P. Revenue Code, 2006 (Smt. Kanti Vs. Shobhawati and others)."

3. After arguing the matter at some length, learned counsel for petitioner made a statement before the Court that he does not want to press the relief no. 1 as sought by the petitioner in the present writ petition.

4. The precise submission of learned counsel for petitioner is that the proceedings for mutation under Section 34 of the U.P. Land Revenue Code 2006 is pending before the Nayab Theasildar Nagar, Tehsil Sadar, District Ayodhya in Case No. T201904230108113 (Smt. Kanti Vs. Shobhawati and others). He further submits that on an application for the transfer of the case moved on behalf of private respondents nos. 3 to 5, learned

Additional Commissioner (Administration), Ayodhya Division, Ayodhya vide order dated 27.09.2023 has stayed the aforesaid mutation proceedings pending before the Nayab Tehsildar Nagar, Tehil Sadar, District Ayodhya. He submits that the aforesaid application for the transfer of the case is pending since 2023 and because of the pendency of the said transfer application, the entire mutation proceedings has been staled.

5. The submission of learned counsel for petitioner is that the mutation proceedings are summary in nature and as per the U.P. Revenue Code, 2006 the same are to be decided within a period of 45 days. His contention is that due to the pendency of the aforesaid proceedings under Section 212 (2) of the U.P. Revenue Code, 2006 before the learned Additional Commissioner (Administration) Ayodhya Division, Ayodhya, the same could not be concluded till date.

6. Learned Additional Chief Standing Counsel for the State has no objection to the extent that this Court may issue direction to the learned Additional Commissioner (Administration) Ayodhya Division, Ayodhya to expedite the above-noted proceedings under Section 212 (2) of the U.P. Revenue Code, 2005 pending before it.

7. In view of the orders proposed to be passed, notices to the private respondents are dispensed with.

8. Considering the facts and circumstances of the case, this Court is of the opinion that no fruitful purpose would be served in keeping the present writ petition pending. Accordingly, without advertng on the merit of the case this writ petition is **disposed of** with the direction to the learned Additional Commissioner (Administration) Ayodhya Division, Ayodhya to decide the Case No. 2215 of 2023 pending under Section 212 (2) of the U.P. Revenue Code, 2006 (Radhey Shyam and others

Vs. Smt. Shobhawati and others) as expeditiously as possible, say within a maximum period of three months from the date a certified copy of this order is produced before it.

9. With the aforesaid observations/directions, this writ petition is **disposed of**.

Order Date :- 6.6.2024

Virendra