

Court No. - 2

Case :- WRIT - C No. - 6021 of 2025

Petitioner :- Seema Maurya

Respondent :- State Of U.P. Thru. Secy., Urban Development And Others

Counsel for Petitioner :- Devendra Pratap, Saad Husain, Shashank Shekhar Singh

Counsel for Respondent :- C.S.C., Namit Sharma

Hon'ble Alok Mathur, J.

Hon'ble Arun Kumar Singh Deshwal, J.

Heard Shri Ayush Pratap Singh, Advocate holding brief of Shri D.P. Singh on behalf of the petitioners.

Learned Standing Counsel on behalf of respondent no.1 and Shri Nripendra Mishra, learned counsel appearing on behalf of respondents no.2 and 3.

In view of the order proposed to be passed issuance of notice to private respondent is dispensed with.

Dispute in the present case pertains to the mutation proceedings which are pending before the Nagar Nigam, Lucknow pertaining to mutation with regard to plot no.6, khasra no.250 min, area 2100 sq ft situated at ward Faizullaganj, Tehsil and District Lucknow which according to the petitioner has been acquired through succession while on the other hand he contests the gift deed made in favour of the respondent no.4.

Dispute has arisen when respondent no.4 who on the basis of the said gift deed has moved an application for mutation before Nagar Nigam, Lucknow which has been contested by the petitioner by moving an application on 18.4.2023. It is during pendency of the aforesaid proceedings that the petitioner has sought a direction from the Nagar Ayukt, Lucknow to decide the representation.

A perusal of the petition indicates that neither the details of the property for which the application has been made, has been mentioned nor it has been stated that as to whether application for mutation preferred by opposite party no.4 is pending or has been finally decided.

It has further been cursorily stated without giving any details that with regard to the dispute pertaining to transfer of title proceedings are pending before the tehsildar and civil judge's court.

In the aforesaid circumstances, in case the proceedings have been decided by the Nagar Nigam with regard to the mutation at the behest of the application made by opposite party no.4 the only remedy for the petitioner is to move the Civil Court and seek his declaration with regard to the said property. Needless to say law in this regard has been clarified by the Hon'ble Supreme Court in numerous cases that mutation does not vest the title in any person and it is limited only with regard to the payment of the house tax.

On the other hand we find that opposite party no.4 has already filed a civil

suit and certain proceedings before the Tehsildar has also been instituted.

Once the decision is rendered by the civil court then on the basis of the said order the Nagar Nigam will be bound to pass appropriate mutation orders. At this stage no interference is called for as prayed by the petitioner.

In light of the observations made hereinabove, petition stands ***dismissed***.

Order Date :- 24.6.2025

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(Arun Kumar Singh Deshwal,J.) (Alok Mathur,J.)