

Court No. - 2

Case :- WRIT - C No. - 6115 of 2025

Petitioner :- Maj Gen Sanjay Sethi (Retd.)

Respondent :- State Of U.P. Thru. Its Addl. Chief Secy. Urban Development Deptt. Lko. And 3 Others

Counsel for Petitioner :- Sunil Sharma, Anshuman Srivastava, Prateek Mishra

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

Hon'ble Alok Mathur, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Sunil Sharma, learned counsel for petitioner as well as learned Standing Counsel on behalf of respondent No. 1 and Sri Rajnish Kumar Singh, Advocate who has filed his Vakalatnama on behalf of respondent nos. 2 & 3 which is taken on record.

2. In light of the proposed order, notices to respondent No. 4 is dispensed with.

3. It has been submitted by learned counsel for petitioner that present dispute pertains to property No. B-16 situated at South city, Lucknow which was registered in the name of late Lt. Gen. Sudarshan Lal Sethi and Late Smt. Sulakshana Sethi. The recorded tenure holders are the parents of the petitioner and on the death of recorded tenure holders, application for mutation has been preferred by the petitioner before respondent No. 3 sometimes in 2022 on the basis of registered will dated 26.09.2019, which was registered as Application No. 8113/OL/9157F4799.

4. It has been submitted that similar application was also given by the sister of the petitioner for a portion of the said property and her application has been allowed by the order of respondent No. 3 but the application given by the petitioner has not been decided till date even after expiry of nearly 3 years.

5. Be that as it may, such summary proceedings cannot be allowed to be continued for such a long length of time and we cannot see any reason with regard to pendency of the proceedings.

6. Learned counsel appearing on behalf Nagar Nigam has informed this Court that on two occasions legal opinions have

also been sought by the authority concerned but still appropriate orders has not been passed on the application for mutation.

7. After arguing the matter at some length, learned counsel for petitioner submits that grievance of the petitioner shall be redressed in case respondent No. 3 is directed to conclude the proceedings and pass appropriate orders on the application for mutation preferred by the petitioner with expedition.

8. Learned counsel for respondents have no objection to the aforesaid request.

9. Accordingly, the writ petition is **disposed of** with a direction to respondent No. 3 to decide the application of the petitioner within a maximum period of 30 days from the date a certified copy of this order is presented before him.

10. Considering the aforesaid and length of duration the matter is pending and in case the matter is not decided, the Municipal Commissioner, Lucknow is directed to look into the matter and transfer the case to some other officer to decide the same in case respondent No. 3 is deliberately keeping the matter pending before him. It has further been provided that till such time as the orders are passed on the application of mutation of the petitioner, no coercive action shall be taken against the petitioner in pursuance of the order dated 21.03.2025.

(Arun Kumar Singh Deshwal,J.)

(Alok Mathur, J.)

Order Date :- 24.6.2025

Ravi/