

Hon'ble Tarun Agarwala, J.

Mr. A.K. Sharma, Advocate for the petitioner.

Mr. Mahavir Singh Tyagi, Advocate for the respondent Nos. 1 to 3.

Mutation proceedings were initiated u/S 34 of the Land Revenue Act. The Tehsildar allowed the application and mutated the name of the petitioner in the revenue record. Respondent No.1 being the step-mother of the petitioner, filed a restoration application which was allowed and the order of the mutation was set aside and the matter was directed to be decided afresh. The petitioner, being aggrieved by the aforesaid order, has filed the present writ petition.

The learned counsel for the petitioner Shri Arvind Kumar Sharma contended that Smt. Kalawati, the step-mother, namely, the opposite party No.1 had no right to interfere in the mutation proceedings as she had no legal title on the land in question, in as much as, she re-married after the death of the petitioner's father. The learned counsel further submitted that during the pendency of these proceedings, the step mother had sold of the property to respondent Nos. 2 to 4.

Be that as it may. At the moment, the court is concerned as to whether the order recalling the order of mutation by the Tehsildar was a valid order or not. The court finds that the Tehsildar was justified in recalling its order since it was done ex-parte without hearing the step-mother. Consequently, the court is not inclined to interfere in the impugned order. The writ petition fails and is dismissed.

(Tarun Agarwala, J.)

Dated 30.11.2010

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