

**Court No. - 18**

**Case :-** WRIT - C No. - 24828 of 2022

**Petitioner :-** Darshan Singh

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Ashutosh Kumar Gautam, Rajesh Kumar Patel

**Counsel for Respondent :-** C.S.C.

**Hon'ble Ajit Kumar, J.**

Heard learned counsel for the petitioner and learned Standing Counsel for the State respondents.

By means of this petition under Article 226 of the Constitution, the petitioner has prayed for following relief no. (i) as substantial relief:

*"(i) issue a writ, order or direction in the nature of mandamus directing the Tehsildar, Tehsil Rath, District Hamirpur to decide the Mutation Case No.T202107320200266 (Darshan Singh versus Bharat) which has been filed on 05.03.2021 under Section 34 of U.P. Revenue Code, 2006, within stipulated period as fixed by this Hon'ble Court."*

It is contended that proceedings are being unnecessarily delayed for unjustifiable reasons and on the principle of *justice delayed is justice denied*, rights and claims of petitioner(s) are getting prejudiced.

Learned Standing Counsel has no objection in case an appropriate direction is issued for expeditious disposal of the pending case in a time bound period strictly in accordance with law and by fully complying with the procedure prescribed for under the relevant Act and the Rules.

In view of above, this writ petition stands disposed of with following directions:

a). Proceedings of mutation case, as sought to be expedited, shall be disposed of as expeditiously as possible preferably within three months from the date of receipt of certified copy of this order provided the proceedings have not been stayed by any competent court of law.

b). No adjournment shall be granted to the petitioner/applicant ordinarily and in case if adjournment as sought to be taken is allowed, it shall be visited with the cost of Rs. 1,000/- for every adjournment, however not more than two adjournments shall be granted.

c). Respondent to the mutation shall not ordinarily be permitted to seek adjournment and in case, if adjournment as sought to be taken is allowed, it shall be visited with the cost of Rs. 500/- for every adjournment, however, not more than two adjournments shall be granted.

d). The procedure prescribed for conducting such proceedings shall be religiously complied with;

e). Priority for hearing shall be fixed in the order in which other pending proceeding, if any, has been expedited by this Court in the past;

f). Repeated strike called by lawyers and or strike by lawyers in continuity will not deter the authority concerned in complying with the directions of this Court.

g). The authority concerned/court below are directed to comply the aforesaid directions in letter and spirit.

If the proceedings remain affected due to lock-down for any pandemic or due to restriction on public movements, such period for which proceedings could not be held, shall be taken to be an extended period for compliance of directions issued for disposal of the case.

It is further provided that the procedure prescribed for conducting such proceedings, shall be religiously complied with and priority shall be fixed in the order in which such other pending proceedings, if any, have been expedited by this Court in the past and to that extent the directions issued herein above are to be taken as only directory in nature.

It is clarified that in the event, this order could not be carried out within the time frame fixed for any technical reason, then for such delay in disposal of the mutation, and pendency thereof itself shall ordinarily not be a ground sufficient enough to fasten the authority concerned with personal liability of contempt.

**Order Date :- 31.8.2022**

Deepika