

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 3776 of 2023

Petitioner :- Shiv Kumar Pathak

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue, Lucknow And 3 Others

Counsel for Petitioner :- Vishva Nath Pratap Singh, Brijendra Mohan Singh

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

In view of the order proposed to be passed by this Court, notice to the private-respondents is dispensed with.

By means of the instant petition, the petitioner seeks expeditious disposal of Case/ Mutation Application No. 04088/2020, Computerized Case No. T202004230704088 (Shiv Kumar Pathak Versus Guru Charan Das), under Section 34 of the U.P. Revenue Code, 2006 pending before the respondent No.2-Naib Tehsildar, Rudauli, Tehsil Rudauli, District Ayodhya, since December, 2020.

It is stated that as per Rule 34(7) of U.P. Revenue Code Rules 2016, the mutation proceedings are summary in nature and as such ought to have been decided preferably within 45 days if there is no dispute and if there is dispute, the same ought to have been decided preferably within 90 days. However, the proceedings which were initiated by the petitioner in the year 2020, have not been concluded till date. In these circumstances, the indulgence of this Court is required. The prayer is to expedite the said pending proceedings.

It is further submitted that though a large number of dates have been fixed, however, for the reasons beyond control, the matter has not yet been decided.

Learned standing counsel submits that he has no objection in case an expedite order is passed.

Considering the facts and circumstances, this Court is of the opinion that no gainful purpose will be served in keeping the aforesaid petition pending rather ends of justice can be served by directing the respondent No.-2 to consider and decide the pending proceedings of Case/ Mutation Application No. 04088/2020, Computerized Case No. T202004230704088 (Shiv Kumar Pathak Versus Guru Charan Das) most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment to either of the parties preferably within a period of three months from the next date fixed in the matter before it, if there is no other legal impediment in this regard.

The petitioner would also file an undertaking before the authority concerned, indicating therein that he would not take any adjournment and he will appear on each dates.

It is made clear that the Court has not examined the case of either of the parties on merits and the authority concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid, the petition is **disposed of**.

Order Date :- 31.7.2023

Jyoti/-