



2026:AHC:15815

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 1804 of 2026

Rajesh Kumar Jaishwal

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mayank Mohan Dutt Mishra,
		Sudhanshu Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 2

HON'BLE PRAKASH PADIA, J.

1. Heard learned counsel for the petitioner and learned Standing Counsel appearing on behalf of the State.

2. This writ petition has been filed by the petitioner/petitioners seeking the following relief:-

"A. Issue a writ of mandamus directing the Respondent No. 2, Nayab Tehsildar, Tehsil-Barhaj, District Deoria to decide the mutation Case being Computerised Case No. T202405200402806) (Sunita vs. Parvati) and connected Computerised Case No. T202405200402275) (Sunita vs. Parvati) u/s. 34/35 U.P. Revenue Code, 2006, within some stipulated period."

3. Learned counsel for the petitioner/petitioners submits that the power to mutate on the basis of succession flows from under Section 33 of the U.P. Revenue Code, 2006 and is to be exercised in the manner prescribed by Section 35. It is further guided by Rule 34 of the U.P. Land Revenue Code Rules, 2016. Reference may also be made to sub Rule (7) of Rule 34 of the U.P. Revenue Code Rules, 2016 which reads as under:

"Rule 34. Issue of Proclamation [Section 35(1)]. (1) x x x x

(2) x x x x

(3) x x x x

(4) x x x x

(5) x x x x

(6) x x x x

(7) The Tahsildar shall make an endeavour to decide the undisputed case of mutation within the period of 45 days from the date of the registration of the case and the disputed case of mutation within the period of 90 days and if the proceeding is not concluded within such period the reason for the same shall be recorded.

(8) x x x x"

4. The aforesaid Rule would show that even a contested mutation case is required to be decided within a period of 90 days. If for some reason it cannot be disposed within 90 days, reasons therefor have to be recorded. The order-sheet in this case shows that nothing of the kind has been done, and for the past year and a half, the case is being adjourned without a hearing.

5. Learned counsel for the petitioner has also placed on record of the order sheet. A perusal of the same shows that the case is being casually adjourned without any order of moment being passed. Either general dates have been fixed or the case adjourned on account of Presiding Officer being pre-occupied with administrative work or members of the Bar abstaining from judicial work. Mutation proceedings are inherently urgent as these affect not only parties but also revenues of the State. Moreover, there is a legislative mandate to dispose of these proceedings within a limited period of time.

6. Under the circumstances, the respondent No. 2-Nayab Tehsildar, Tehsil-Barhaj, District Deoria is directed to decide the mutation case being Computerised Case No. T202405200402806) (Sunita vs. Parvati) and connected Computerised Case No. T202405200402275) (Sunita vs. Parvati) u/s. 34/35 U.P. Revenue Code, 2006, under section 34/35 of U.P. Revenue Code-2006 within three months from the date of receipt of a certified copy of this order, in accordance with law after hearing all parties concerned.

7. It is made clear that no unnecessary adjournment shall be granted and if

adjournment at all has to be granted, it shall not exceed a period of one or two days. The case shall be decided strictly in regard to the schedule of time indicated hereinabove.

8. The writ petition is allowed in terms of the above orders. No order as to costs.

(Prakash Padia,J.)

January 21, 2026
Pramod Tripathi