



2026:AHC:15620

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 541 of 2026

Smt. Soniya Sharma

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

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|---------------------------|---|------------------------------|
| Counsel for Petitioner(s) | : | Abhijeet Verma, Satyam Singh |
| Counsel for Respondent(s) | : | C.S.C.                       |

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**Court No. - 2**

**HON'BLE PRAKASH PADIA, J.**

1. Heard learned counsel for the petitioner, learned Standing Counsel for the respondent-State and perused the records.

2. The petitioner has preferred present writ petition inter-alia with the following prayer:-

"(i) issue a writ, order or direction in the nature of mandamus, commanding and directing the respondent no.2/Tehsildar (Judicial), Tehsil- Khair, District- Aligarh to decide the Case No. RST/6835/2021, Computerized Case No. T202118020106835 (Soniya Sharma Versus Shivcharan) under Section 35 of U.P. Revenue Code, 2006, pending before him, within stipulated period of time as fixed by this Hon'ble Court."

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. 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. From perusal of the record it is clear that though the aforesaid period has already been lapsed but till date no decision has been taken.
6. In the facts and circumstances of the case, present petition is disposed of directing the respondent no.2 to decide the aforesaid case strictly in accordance with law most expeditiously and preferably within a period of two months but without granting unnecessary adjournment

unless there is no legal impediment.

7. Registrar (Compliance) is directed to communicate copy of this order to the respondent no.2 through District Magistrate, Aligarh within a week.

**January 21, 2026**

Pramod Tripathi

**(Prakash Padia,J.)**