
(2018) 06 UK CK 0019

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1697 of 2018

Satpal Matta

APPELLANT

Vs

Nagar Nigam, Dehradun & another

RESPONDENT

Date of Decision : 15-06-2018

Acts Referred:

Uttar Pradesh Municipal Corporation Act, 1959 — Section 472
Constitution of India, 1950 — Article 227

Citation : (2018) 06 UK CK 0019

Hon'ble Judges : MANOJ K. TIWARI, J. (ORAL)

Bench : Single Bench

Advocate : Siddartha Sah, Ashish Joshi, Alok Mahra

Final Decision : Dismissed

Judgement

MANOJ K. TIWARI, J. (ORAL)

1. This writ petition, under Article 227 of the Constitution of India, arises out of mutation proceedings. It transpires that originally, name of one Sri

Bakht Ram was recorded as owner of a shop situate in Patel Nagar, Saharanpur Road, Dehradun. Sri Bakht Ram has died and he is survived by his

son Sri Harish Chand Bhatia (respondent No. 2 herein).

2. It appears that for a couple of years, name of Sri Satpal Matta was recorded as owner of the said shop and thereafter for some time as tenant, but

lastly on an application moved by respondent No. 2 "Sri Harish Chand Bhatia, name of Sri Satpal Matta was deleted from the Municipal record.

Thus, feeling aggrieved, Sri Satpal Matta preferred an appeal under Section 472 of U.P. Municipal Corporations Act, which has been dismissed by

learned Civil Judge (S.D.)/Appellate Authority, Dehradun vide order dated 27.04.2018 which has been challenged in the present writ petition.

3. I have gone through the order impugned in the writ petition. Learned Appellate Authority has given cogent reasons for dismissing petitioner's

appeal. I am in agreement with the reasons given by learned Appellate Authority. It is settled position in law that mutation of a property, in

revenue/municipal records, is done for fiscal purpose and disputed question of title can't be decided in mutation proceedings, which are summary

in nature. Learned Civil Judge in his order dated 27.04.2018 has observed that petitioner has filed a title suit, therefore, question of title would be

decided in the said suit and mutation would depend upon outcome of the title suit.

4. In such view of the matter, there is no scope of interference in the order impugned in the writ petition. Accordingly, the writ petition lacks merit and is hereby dismissed.

5. No order as to costs.