

Court No. - 52

Case :- WRIT - C No. - 14778 of 2022

Petitioner :- Ram Dayal Chauhan

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Sudhanshu Pandey

Counsel for Respondent :- C.S.C., Smt Alpana Tiwari, Vinay Kumar Tiwari

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Sudhanshu Pandey, learned counsel for the petitioner and Sri Dhirendra Kumar Srivastava, learned State Law Officer, appearing for respondents no. 1 to 4.

2. The present writ petition has been filed seeking quashing of the proceedings stated to have been initiated by Settlement Officer (Consolidation), Gorakhpur in respect of the registration of the gift-deed before the Deputy Registrar, Sadar, Gorakhpur in favour of the petitioner.

3. Submission on behalf of learned counsel for the petitioner is that the Settlement Officer (Consolidation) has no jurisdiction or authority to conduct an inquiry with regard to the aforesaid matter.

4. In reply to the contention raised by learned counsel for the petitioner, Sri Dhirendra Kumar Srivastava, learned State Law Officer, submitted that the inquiry has been suspended but not dropped, but at the same time learned State Law Officer failed to apprise the Court as to under which capacity, Settlement Officer (Consolidation) can conduct the inquiry with regard to genuineness of the instrument registered before Sub-Registrar, Sadar, District Gorakhpur, whereupon consideration has been drawn by co-ordinate Bench vide order dated 18.08.2022 and the proceedings has already been stayed.

5. Considering the facts and circumstances, there is hardly any need for filing counter affidavit on behalf of respondents-State since as per instructions, it is crystal clear that no authority has been defined in favour of Settlement Officer (Consolidation) for initiating inquiry to scrutinize the genuineness of the instrument

registered before Sub-Registrar although proceedings before learned Civil Judge is still pending to be finally adjudicated with regard to correctness, genuineness and validity of the instrument.

6. In view of the aforementioned facts and circumstances, proceedings initiated at the behest of the complaint dated 16.04.2022 made by contesting respondents no. 5 and 6, whereupon the direction has been issued by the District Magistrate, is hereby set aside.

7. The writ petition stands allowed.

Order Date :- 2.11.2023

P.Sri.