

Reserved

Court No. - 5

Case :- WRIT - C No. - 58518 of 2008

Petitioner :- Ashok Kumar Singh

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

Counsel for Petitioner :- Rakesh Pande

Counsel for Respondent :- C.S.C.,Bhagwan Dutt Pandey,Dan Bahadur Yadav,Neeraj Shukla,Uma Kant

Hon'ble Piyush Agrawal,J.

Heard Sri Parmendra Vikran Singh, learned counsel for the petitioner and Sri Neeraj Shukla, learned counsel for the respondent.

Present writ petition has been filed assailing the order dated 25.9.2008 passed by the Additional District Magistrate (Finance and Revenue) /District Registrar, Jaunpur, respondent no.3 and the order dated 22.9.2008 passed by the respondent no.3 on the petitioner's application dated 22.9.2008.

Learned counsel for the respondent raises a preliminary objection about the maintainability of the present writ petition as the sale deed has already been executed on 29.9.2008, a copy of which has been brought on record through supplementary affidavit. He further submits that if the petitioner is aggrieved he may file a suit for cancellation of the sale deed, if he so advised. He prays for dismissal of the writ petitioner as not maintainable.

Rebutting the said submission, learned counsel for the petitioner submits that the petitioner has filed an objection before the Sub-Registrar (Stamps and Registration) Machlishahr, Jaunpur. He

further submits that during the pendency of his objection the petitioner moved a transfer application alleging certain allegations against the Sub-Registrar. He further submits that the Sub Registrar has rejected the objection of the petitioner without considering the application/objection of the petitioner, therefore, the writ petition is maintainable.

After hearing the learned counsel for the parties the Court has perused the record.

It has neither been disputed by the learned counsel for the petitioner that the sale deed has been executed on 29.9.2008 nor any material has been brought on record that the petitioner has filed a suit for cancellation of sale deed or the same has been decided in his favour.

In view of the above no interference is called for with the impugned orders. The writ petition is accordingly dismissed.

It is made clear that by the dismissal of the writ petition, the petitioner shall not be deprived of filing a suit for cancellation of the sale deed in accordance with law, if he is so advised.

Order Date :- 12.10.2023

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