

Court No. - 6

Case :- WRIT - C No. - 34233 of 2023

Petitioner :- Kailasho (Since Deceased) And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Dharmendra Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Dharmendra Srivastava, learned counsel for the petitioners and learned Standing Counsel for the State-respondents.

This writ petition has been filed by the petitioner with the prayer to quash the orders dated 29.07.2021 passed by respondent no.2 is Case No.00569 of 2018 having its computerized no.D201813740000569.

Learned counsel for the petitioner submits that the petitioner's mother purchased a land on 17.11.2011 and paid the requisite stamp duty alongwith the registration fee. The name of petitioner's mother was mutated in the revenue records accordingly. She died on 10.09.2013. On some complaint made to Revenue Authorities after six years of the registration of the property in question, the proceedings under Stamp Act have been initiated and the order impugned has been passed without notice to the petitioner and that to against a dead person, therefore, the same is in violation of principle of natural justice and is liable to be set-aside.

Learned Standing Counsel for the State-respondents could not dispute the aforesaid facts.

In view of the above, the order impugned dated 29.07.2021 passed by respondent no.2-Additional District Magistrate (Finance and Revenue) Division Moradabad, District-Sambhal is **set-aside**, however, it is open to the authorities concerned to issue fresh notices to the petitioner and decide the matter in accordance with law.

With the aforesaid direction, the instant writ petition is **allowed**.

Order Date :- 1.11.2023

Kalp Nath Singh