

Court No. - 47

Case :- WRIT - C No. - 39192 of 2023

Petitioner :- Smt. Usha And Another

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

Counsel for Petitioner :- Brijesh Pratap Mishra, Sriram Dhar Dubey

Counsel for Respondent :- C.S.C

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. The instant petition has been filed seeking following relief :-

"i) issue a writ, order or direction in the nature of MANDAMUS an direct to the respondent No.2 to give (Provide) the possession Under Section 199(1) of U.P. Revenue Code-2006 to the petitioners of the agricultural land area of Khata No.113, Gata No.616/0.146 Hec. & 632/0.225 Hec. Of 1/2 share of the total area 0.401 Hec. Situated at Village - Jamalapur, Pargana & Tehsil - Kurawali, District - Mainpuri.

ii) issue a writ, order or direction in the nature of mandamus direct to the respondent No.2 to decide the representation/application Case No.RU668349158IN dated 14/09/2023 in Under section 199(i) of U.P. Revenue Code-2006 which is pending before respondent No.2 District Magistrate/Collector Mainpuri, District Mainpuri within stipulated period which may be fixed by this Hon'ble Court."

3. As per para 4 of the writ petition, petitioners have purchased the property through registered sale deed dated 28.10.2021 executed by Dinesh Chandra and Ramveer. The sale deed has been annexed as Annexure No.1 to the writ petition.

4. Contention of learned counsel for the petitioners is that petitioners have moved an application u/s 199 of the U.P. Revenue Code, 2006 to put the petitioners in possession over the land purchased by the petitioners from private respondents.

5. Learned Standing Counsel has raised a preliminary objection that persons from whom the petitioners have purchased the land has not been impleaded as a party respondent in the writ petition. Proceedings u/s 199 of U.P. Revenue Code, 2006 cannot be resorted to in a case of sale and purchase of property from private persons.

6. Provisions of Section 199 of U.P. Revenue Code, 2006 applies in case where the property is purchased by a person in an auction held under the provisions of the U.P. Revenue Code, 2006 and not in case where property is being purchased from a private persons, therefore, the present writ petition is wholly misconceived and is accordingly, **dismissed**.

7. However, it is open for the petitioners to avail remedy, as available to them, under the law.

Order Date :- 9.11.2023

Rishabh

[Manish Kumar Nigam, J.]