

Court No. - 21

Case :- WRIT - C No. - 38581 of 2023

Petitioner :- Navinder Kumar Jha

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Saumya Srivastava

Counsel for Respondent :- CSC,Kaushalendra Nath Singh

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. The petitioner challenges an order dated 09.08.2023 passed by respondent no. 2, whereby the permission granted to the vendor of the petitioner for transfer of subject land and the order of mutation dated 01.12.2021 as well as permission to mortgage the property dated 12.07.2021 have been cancelled. The ground of cancellation is that Neeraj Kumar Gupta, vendor of the petitioner succeeded in getting his name mutated in the records of Noida Authority concealing the fact that his father Om Prakash Gupta, the original allottee, had left behind other heirs and legal representatives also.

2. Learned counsel for the petitioner submits that the petitioner is bona fide purchaser for value and he has not been heard. The vendor lost interest in the matter as he had sold the property. The petitioner has filed objection on 30.08.2023 (Annexure No. 9) and prays that the same be directed to be decided.

3. Sri Kaushalendra Nath Singh, learned counsel appearing for Noida Authority states that notice was also issued to the petitioner but he did not file any reply nor appeared before the Authority.

4. Be that as it may, since valuable rights of the petitioner would be affected by the impugned order, therefore, in the interest of justice, we direct the respondents-Authority to consider and decide

the objection filed by the petitioner (Annexure No. 8) within four weeks from the date of communication of the instant order alongwith photocopy of the objection.

5. The petitioner will communicate the instant order to the respondent-Authority positively within two weeks and in which event, the respondent-Authority would not take any coercive measure in pursuance of the impugned order until the objections are decided after hearing all interested persons.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 23.11.2023

Ruhi H.