

Court No. - 47

Case :- WRIT - C No. - 39932 of 2023

Petitioner :- Smt Seema

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

Counsel for Petitioner :- Abhishek Rai

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

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

2. This writ petition has been filed seeking following relief :-

"Issue a writ, order or direction in the nature of CERTIORARI quash the impugned order dated 12.09.2018 passed by the A.D.M. (Finance & Revenue) Bulandshahar in case No.306 of 2014 Seema Vs. Sheelkant u/s 72/73 Registration Act, 1908 as well as order dated 03.07.2023 passed by the Additional Commissioner III (Administration) Meerut in case no.02273 of 2018 Seema Vs. Sheelkant and others u/s 219 of UP Land Revenue Act, 1901."

3. Contention of learned counsel for the petitioner is that against order dated 12.9.2018 passed in proceeding u/s 72, 73 of the Registration Act, 1908, revision filed by the petitioner u/s 219 of the U.P. Land Revenue Act has been erroneously rejected by Revisional Court holding the same as not maintainable.

4. Learned Standing Counsel has raised a preliminary objection that against the order passed in proceedings under Registration Act, 1908, a revision has been filed under the U.P. Land Revenue Act, 1901 which is not maintainable, therefore, the present writ petition is liable to be dismissed.

5. Section 76 of the Registration Act, 1908 provides that no appeal lies from any order by a Registrar passed under Section 72. Section 77 of the Registration Act provides that where Registrar refuses to order the document to be registered u/s 72 or 76, any person claiming under such document may within thirty days after the making of the order of refusal institute in the Civil Court within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered.

6. In view of the same, the present writ petition is misconceived and is accordingly **dismissed** with liberty to the petitioner to avail the remedy under the law.

Order Date :- 21.11.2023/Rishabh

[Manish Kumar Nigam, J.]