

Court No. - 18

Case :- WRIT - C No. - 7792 of 2023

Petitioner :- Purushottam Pandey

Respondent :- State Of U.P. Thru. Revenue Secy. Lko. And 4 Others

Counsel for Petitioner :- Vinay Kumar Tiwari

Counsel for Respondent :- C.S.C., Sourabh Mishra, Vashu Deo Mishra

Hon'ble Saurabh Lavania, J.

Heard.

The present petition has been filed with the following prayer:-

"Issue a writ, order or direction in the nature of certiorari thereby quashing impugned order dated 30.08.2023 passed by the Opposite Party No-2 in Case No-1311/2023, under rule 212(2) of U.P. Revenue Code, 2006, as contained Annexure No. 1 to the writ petition.

(b) Issue a writ, order or direction in the nature of mandamus thereby transfer the Case / Revision No - 530/451 under section 48 of U.P.C.H. Act, Shyam Raj and others V/S Raj Kishore, related to Village Bedhan Gopalpur, Pergana - Bihar, Tehsil - Kunda, District - Pratapgarh which is pending before the court of opposite party no - 3 to any other nearby District."

The main ground as appears from paras 14 to 22 of the present petition seeking transfer of the case in issue is to the effect that the opposite party No.3-Deputy Director of Consolidation, District-Pratapgarh is under influence of private respondent Nos.4 and 5 and vide the impugned order dated 30.08.2023 the opposite party no. 2 rejected the application for transfer filed under Section 212(2) of U.P. Revenue Code, 2006 (in short "Code of 2006") and this order has been challenged on the ground that in illegal and arbitrary manner the opposite party no. 2 rejected the application for transfer.

It is settled principal of law that merely suspicion by the party that he will not get justice would not justify transfer. There must be a reasonable apprehension to that effect. A judicial order made by a Judge legitimately cannot be made foundation for a transfer of case. Mere presumption of possible apprehension should not and ought not be the basis of transfer of any case from one case to another. It is only in very special circumstances, when such grounds are taken, the Court must

find reasons exist to transfer a case, not otherwise. Reference can be made to the judgment dated **12.11.2014** passed in **Transfer Application (Civil) No. 519 of 2014 (Amit Agarwal vs. Atul Gupta)**.

After considering the allegation made in Para 14 to 22 of the present petition and the documents on record in the light of settled principal of law on the issue, this Court finds the allegations are vague/bald and misconceived and being so this Court is not inclined to interfere in the present matter.

Accordingly, present petition is **dismissed**.

Order Date :- 18.10.2023/Raj