NAFR

HIGH COURT OF CHHATTISGARH BILASPUR

Judgment reserved on 22/07/2019
Judgment delivered on 05/09/2019

Writ Appeal No. 479 of 2017

(Arising out of order dated 28/08/2017 passed in Writ Petition No.2515/2001 by the learned Single Judge)

O.P. Agrawal, Aged about 65 years, Son of R.R. Agrawal, Managing Director, Ekta Vihar Finance and Investment Pvt. Ltd., Om Kutir, Civil Lines, Raipur (C.G.)

---- Appellant

Versus

1. Additional Registrar, Co-operative Societies, Raipur (C.G.).
2. Shri R.K. Thakur, Cooperative Inspector Cum Recovery Officer, Office of Deputy, Registrar, Co-operative Societies, G.E. Road, Raipur (C.G.).
3. V. K. Dubey, Cooperative Inspector Cum Sale officer, Office of Deputy Registrar, Co-operative Societies, G.E. Road, Raipur (C.G.).
4. Jila Sahakari Kendriya Bank Maryadit, Raipur, Through its Manager/General Manager Raipur (C.G.).
5. Chhattisgarh Bunker Sahakari, Sangh Maryadit, Near Vivekananda Ashram, G.E. Road, Raipur, Through its Manager, Raipur (C.G.).

---- Respondents

For Appellant	:	Mr. B.P. Sharma, Mr. Prateek Sharma and Mr. M.L. Sakat, Advocates
For Respondent/State	:	Mr. Avinash Singh, Panel Lawyer
For Respondent No.4	:	Mr. Rajat Agrawal, Advocate on behalf of Mr. S.C. Verma, Advocate
For Respondent No.5	:	Mr. Y.C. Shrma, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

C A V JUDGMENT

Per Parth Prateem Sahu, Judge

05/09/2019

1. Appellant herein has questioned the legality and validity of the order dated 28/08/2017 passed by learned writ Court in Writ Petition No.2515/2001 whereby writ petition preferred by him was allowed in part.

2. Facts of the case in nutshell, are that, the respondent No.5 i.e. Chhattisgarh Bunker Sahakari Sangh Maryadit obtained a loan from District Central Co-operative Bank Maryadit, Raipur but failed to repay the loan amount. Respondent No. 4 initiated a proceeding before the Deputy Registrar Co-operative Societies for recovery of loan amount which was registered as case No. E-64-108/91-92. The said case was decided against respondent No.5 on 31/03/1998 and an order of recovery of Rs.11,99,498.38 along with interest @ 10.50% from the date of filing of application/case till its realization was ordered.

3. Respondent No.4 filed an application for execution of order/decree passed by Deputy Registrar, Co-operative Societies under the provisions of Section 85 of the Chhattisgarh Co-operative Societies Act, 1960 (hereinafter referred to as 'the Act of 1960'). In execution proceedings, one Recovery Officer was appointed. In the process of execution of order/decree the immovable properties of respondent No.5 i.e. building and also land measuring 60800 square feet was valued at Rs.1,00,00,000.00. The Recovery Officer vide its order dated 25/01/2000 appointed Shri V. K. Dubey, Co-operative Inspector as Sale Officer, who initiated auction sale proceeding on 20/09/2000. The auction sale was conducted for part of land measuring 13202 square feet and building situated on part of it. The appellant participated in bid proceedings and offered highest bid of Rs.52,80,800.00. His bid was accepted and subsequently sale certificate was also issued in his favour on 20/11/2000.

4. Annoyed with the auction proceedings initiated by Sale Officer President of the District Central Co-operative Bank made a representation/objection to the Commissioner Agriculture Production. The said letter was forwarded by the Commissioner along with its letter dated 30/11/2000 with expectation of enquiry. Looking to the objections raised in representation, report from Joint Registrar Co-operative Societies was called for, which was submitted on 11/12/2000. On the basis of the report of Joint Registrar Co-operative Societies, the records of auction sale were also looked into and thereafter, the case was registered as revision under Section 80-A of Act of 1960 by competent authority.

5. In a revision proceeding Shri R. K. Thakur, Senior Co-operative Inspector-cum-Recovery Officer, Co-operative Societies Raipur, Shri V. K. Dubey, Co-operative Inspector-cum-Sale Officer as well as Shri O.P. Agrawal (appellant/purchaser) were noticed to show-cause vide notice dated 16/01/2001. Respondent No.5 was also permitted to participate as being the affected party. The Revisional Authority after taking into consideration the reply to the notice, relevant documents available on record, and arguments raised by the respective parties, have arrived at a finding that there was violation of mandatory provisions of Rule 66(2)(e),(h) of the Chhattisgarh Co-operative Societies Rules, 1962 (hereinafter referred to as 'the Rules of 1962'). The auction sale proceeding dated 20/09/2000 was set aside and further directed to initiate the auction sale proceeding afresh in accordance with the procedure prescribed under relevant Act and Rules. It was also directed for refund of the amount deposited by auction purchaser i.e. appellant.

6. The order passed by Revisional Authority dated 26/02/2001 was challenged by appellant herein before the Madhya Pradesh State Co-operative Tribunal, Bhopal (hereinafter referred to as 'Tribunal') on the grounds mentioned therein. The Tribunal dismissed the revision bearing No.147/2001 on 29/08/2001 directing for initiation of auction sale proceeding afresh after giving wide publicity by issuing of proclamation in prominent news papers of Raipur, Bilaspur, Jabalpur, Bhopal, Indore and Gwalior. It was further directed that 3/4th of amount deposited by revisioner/appellant to be refunded forthwith, but so far as it relates to refund of 1/4th of amount of sale money has been made subject to the order of Recovery Officer and further directed to appellant / revisioner to give details with respect to his PAN number, etc.

7. Dissatisfied with the order passed by the Tribunal, appellant preferred writ petition before this Court which was registered as Writ Petition No.2515/2001. The learned Single Judge taking into consideration overall facts and circumstances of the case has held that there was violation of provision of Rule 66 (2) (h) of Rules of 1962. After holding that there is violation of Rule 66 (2) (h), learned Single Judge refrained himself to go further into the matter and declined to interfere with the orders of the Additional Registrar and Tribunal, so far as it relates to setting aside of the auction sale proceedings and refund of money deposited by the appellant, but directed that there shall be no recovery of the amount refunded to the appellant and partly allowed the appeal.

8. Learned counsel appearing for the appellant submitted that Additional Registrar Co-operative Societies committed an illegality in registering a revision case under Section 80-A of Act of 1960 as Sale Officer was the Branch Manager of decree holder i.e. bank, who was not sub-ordinate officer of the

Registrar, but an employee of respondent No.4. He further submitted that all the proceedings of auction sale since the date of proclamation till issuance of sale certificate has been initiated by Sale Officer, therefore, proceeding drawn by him cannot be looked into or questioned under Section 80-A of Act of 1960 because the Sale Officer being an employee of Bank is not subordinate to the Additional Registrar. He lastly submitted that learned writ Court has not taken into consideration the written submission placed before him while passing the impugned order. The revision is based on the application of a party, which could not have been entertained by the Additional Registrar.

9. Learned counsel for the appellant placed his reliance in the judgment rendered by Hon'ble Supreme Court in **M/S. D.N. ROY AND S.K. BANNERJEE AND OTHERS V. THE STATE OF BIHAR AND OTHERS**[1] and **SHAHABAD COOP. SUGAR MILLS LTD. V. SPL. SECRETARY TO GOVERNMENT OF HARYANA CORPN. AND OTHERS**[2]**.**

10. Learned counsel for appellant based on law laid down in **M/S. D.N. ROY** (supra) submitted that whenever revisional jurisdiction exercised suo moto, the said fact must be known to the person against whom action is to be taken. He further submitted that law laid down in **M/S. D.N. ROY** (supra) was further followed in **SHAHABAD COOP. SUGAR MILLS** (supra), wherein the Hon'ble Supreme Court has stressed upon that if

1 **1970(3) SCC 119**

2 **(2006) 12 SCC 404**

suo moto power is to be exercised, it has to be stated so.

11. Per contra, learned counsel appearing for respondents No.4 and 5 submitted that the Additional Registrar Co-operative Societies has rightly set-aside the auction sale proceeding as there was apparently violation of Rule 66 of Rules of 1962. They further submitted that appellant could not have any grievance as the entire consideration paid by him with respect to subject auction sale was refunded to him, which was not disputed by appellant and further the Co-operative Society i.e. respondent No.5 deposited entire loan amount with respondent No.4 long back. On the basis of their aforementioned submissions, they supported the impugned order passed by the learned writ Court.

12. We have considered the submissions made by learned counsel appearing for the respective parties and perused the records of writ petition as well as writ appeal minutely.

13. Perusal of order passed by the Additional Registrar in revision proceeding No.80-A/1/2000 dated 26/02/2001 specifically mentions that there was no proper proclamation/ notice of auction sale as provided under Rule 66(2)(e)(h) of Rules of 1962 and further there is violation of Rule 66(2)(h) of Rules of 1962. The aforementioned finding recorded by Additional Registrar in revision proceeding has been affirmed by the Tribunal in its order dated 29/08/2001 (Annxure A-4). There is concurrent finding of facts by the two Courts.

14. The appellant before the Tribunal as well as writ Court has not taken the ground argued by him in first part of his argument and raised by him in this appeal i.e. questioning validity of show cause notice.

15. Apart from above legal bar, perusal of Annexure A-2 which is an order dated 26/02/2001 would show that though in its first page at paragraph No.2, it appears that the Sale Officer was mentioned to be the Branch Manager of respondent No.4, but in the next page of the said order, in very clear terms it is metnioned that Shri V.K. Dubey, Co-operative Inspector was appointed as Sale Officer. It has also been mentioned that Shri R. K. Thakur, Senior Co-operative Inspector-cum-Recovery Officer, Co-operative Societies, Raipur and Shri V.K. Dubey, Co-operative Inspector-cum-Sale Officer. In the revision preferred by appellant before the Tribunal, in paragraph No.2, he himself has pleaded that Shri R. K. Thakur, Senior Co-operative Inspector-cum-Recovery Officer and Shri V.K. Dubey, Co-operative Inspector-cum-Sale Officer who are officers of Co-operative Department. The proceedings of auction sale were conducted by the officer of the Co-operative Department. The proceedings were objected on the ground that it was conducted contravening the Rule 66 of the Rules of 1962. From the above it is clear that the auction proceeding was initiated and conducted by employees of the Co-operative Department and not by the employees of the Bank.

16. Section 80-A of Act of 1960 envisages power on the

Registrar to call for proceeding of sub-ordinate officer and to pass order thereon. Section 80-A of Act of 1960 reads as under :

> **“80-A. Power of Registrar to call for proceedings of subordinate Officers and committee of a society and to pass orders thereon.-** The Registrar, may at any time on his own motion or on the application made by any party, call for and examine the record of any enquiry or the proceedings by any sub-ordinate officer or a decision of a Committee of a Society for which Government has contributed to its share capital or has given loans or financial assistance or has guaranteed the repayment of loans granted in any other form for the purpose of satisfying himself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer or committee. If in any case, it appears to the Registrar that any decision or order or proceedings so called for should be modified, annulled or reserved, the Registrar, may pass such order thereon as he may deem fit :
>
> Provided that no order under this Section shall be made to the prejudice of any party unless such party has had an opportunity of being heard :
>
> Provided further that the powers conferred on the Registrar under this Section, shall not be delegated to any officer below the rank of Joint Registrar].”

17. Language of Section 80-A of Act of 1960 is plain and simple. It gives power to Registrar to call for and examine record of any enquiry or the proceeding of any sub-ordinate officer for the purpose of satisfying the legality and propriety of the proceedings initiated by sub-ordinate officer. He can annul, reverse or modify the same if find any illegality or irregularity in the proceedings.

18. In view of aforementioned clear facts available on record, the first argument raised by learned counsel for the appellant that the Sale Officer was a Bank employee and not subordinate to Registrar giving authorization to invoke his jurisdiction under Section 80-A of Act of 1960 is not sustainable and it is hereby rejected.

19. The judgment relied upon by learned counsel for appellant in **M/S. D.N. ROY** (supra) for making his submission that appellant has not been intimated with respect to initiating suo moto revision proceedings against him, is factually not correct. In **M/S. D.N. ROY** (supra), the application has been moved before the Central Government against grant of lease to appellant therein and the Central Government after serving a copy of application/petition and calling comments, dismissed the petition on 30/09/1964, but on subsequent date i.e. 05/11/1964, the Central Government in exercise of its revisionary power, set aside the order of the State Government granting mining lease to **M/S. D.N. ROY** (supra). It is in the said background of the case, Hon'ble Supreme Court has held that if the Central Government wanted to exercise suo moto power of revision, it should have intimated that fact as well as grounds, on which, it proposed to exercise that suo moto revisional jurisdiction to the appellant and given him an opportunity to show cause against the exercise of suo moto power as well as against the ground, on which, it wanted to exercise its power. Hon'ble Supreme Court also held that the Central Government had not given that opportunity.

20. Whereas, the facts of the case at hand, the Registrar has issued a detailed show cause notice on 16/01/2001 mentioning therein that the said notice has been issued under Section 80-A of Act of 1960. In the said notice, all the particulars and grounds, on which, show cause notice under Section 80-A of Act of 1960 for invoking revisional jurisdiction has been mentioned in very detail, which consist to eight points. The show cause notice has been filed by appellant in the writ petition along with an application for taking additional documents on record as Annexure A-10. From perusal of the show cause notice, it is evident that the Registrar has issued the notice, under which, powers as provided under the Act of 1960. Notice issued by competent authority under the Act of 1960 was replied by the appellant and also appeared for argument at the time of hearing, which is evident from the order passed by competent authority under Section 80-A of Act of 1960 dated 26/02/2001. The aforementioned fact goes to show that competent authority had issued show cause notice by mentioning the specific provisions of Act i.e. Section 80-A of Act of 1960 called for reply of the noticee, given opportunity of hearing and thereafter, the order has been passed by exercising the jurisdiction vested on him under Section 80-A of Act of 1960. In the aforementioned facts of the case, the argument raised by learned counsel for appellant relying on the law laid down by Hon'ble Supreme Court in **M/S. D.N. ROY** (supra) that the appellant has not been informed for invoking powers of revision to the appellant will not support the case of the appellant. Relying on the pronouncement in **M/S. D.N. ROY** (supra), the Hon'ble Supreme Court in another case of **SHAHABAD COOP. SUGAR MILLS** (supra) has held that if suo moto power is to be exercised, it has to be stated so, is not sustainable and is hereby rejected.

21. The appellant before the Tribunal as well as writ Court has not taken the argument No.1 raised by him in appeal (i.e. questioning validity of show-cause-notice) in very specific terms, therefore, he will not be permitted to raise such an argument which was not raised before earlier forums.

22. If statute provides jurisdiction and power on any authority for invoking the powers of revision/suo moto revision, then the authority can take into consideration any information/application for invoking the jurisdiction of suo moto revision. In the instant case, the President of the District Central Co-operative Bank made an objection/representation before the Commissioner Agricultural Production and the said letter was forwarded by the Commissioner expecting for detailed enquiry and the authority sought for an enquiry report on the subject matter in dispute. After satisfying that some illegality and irregularity is crept in the proceedings of auction sale, registered a case under Section 80-A of Act of 1960 issued show-cause notice.

23. The Hon'ble Supreme Court in the matter of **Vikrama Shama Shetty v. State of Maharashtra**[3] deals with respect to exercise the powers of the revision by the authorities and held as under :

> "14. The stand that the revision was at the instance of police authorities is clearly undisputed. Section 148 of the Act empowers State Government to call for and examine records of any proceeding before any Prohibition Officer for the purpose of satisfying itself as to correctness, legality or propriety of any order passed in and as to the regularity of any such proceedings. The power of suo moto revision is clearly vested in the State Government. If it acted on the basis of petition filed by police authorities, it cannot be said that the exercise was beyond jurisdiction."

24. Even otherwise, the authority has invoked the provisions of Section 80-A of Act of 1960 as discussed in preceding

3 **(2006) 6 SCC 70**

paragraphs and issued a detailed notice to the appellant, in which, we do not find any error or illegality as he is vested with the jurisdiction.

25. Rule 66 of Rules of 1962 clearly provides the procedure for attachment and sale of immovable property. The relevant Rules are reproduced herein below for ready reference:-

> **“66. Attachment and sale of immovable property.**- x x x
>
> x x x
>
> (2) In the attachment and sale or sale without attachment of immovable property, the following rules shall be observed-
>
> x x x
>
> x x x
>
> (e) Proclamation of sale shall be published by affixing a notice in the office of the Recovery Officer, office of the Co-operative Central Bank and in the Tahsil office at least thirty days before the date fixed for the same. It shall also be published by beat of drum in the village. Such proclamation shall, where attachment is required before sale, be made after the attachment has been affected. Notice shall also be given to the decree-holder and the judgment-debtor. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible-
>
> (i) the property to be sold,

(ii) any encumbrance to which the property is liable,

(iii) the amount for the recovery of which the sale is ordered, and

(iv) every other matter which the Sale Officer consider material for a purchaser to know in order to judge the nature and value of the property.

x x x

x x x

(h) The remainder of the purchase money and the amount required for the general stamp for the sale certificate shall be paid within fifteen days from the date of sale :

Provided that the time for payment of the cost of the stamp may for good and sufficient reasons, be extended at the discretion of the Recovery Officer up to thirty days from the date of sale :

Provided further that in calculating the amounts to be paid under this clause, the purchaser shall have the advantage of any set-off to which he may be entitled under clause (k).”

26. A bare perusal of aforementioned Rules clearly provides for issuance of proclamation and affixing notice in the office of Recovery Officer, office of Co-operative Central Bank and in Tahsil office. There was categorical finding recorded by Additional Registrar that the notice was not affixed in the Co-operative Central Bank as well as in the Tahsil office which is a clear violation of Rules in affixing notice of proclamation of sale. This fact was not disputed by appellant. Rule 66(2)(h) of Rules of 1962 provides for 15 days time for deposit of remainder part of purchase money of auction sale i.e. 3/4th to be paid within 15 days from the date of sale. The word 'shall' has been used in the relevant provision. The date of auction sale was on 20/09/2000 but cheque of balance amount dated 08/11/2000 was forwarded with letter dated 08/11/2000 (Annxure A-6) which is beyond the period of 15 days. The letter is signed by appellant. The first proviso appended to aforementioned Rule only gives discretion to Recovery Officer for extension of time. But in the instant case, it is admitted position that it is not the Recovery Officer but Sale Officer has extended the time beyond 15 days for depositing the balance amount of auction bid amout, who is having no authority and jurisdiction under Rules of 1962. Rule 66 (a)(i) of Rules of 1962 provides for procedure of forfeiture in default of payment as period provided under clause (h) of Rule 66 of Rules of 1962.

27. Rule 66(k)(6)(iii) of Rules of 1962 authorizes Recovery Officer to issue sale certificate. Relevant portion of Rule 66(k)(6)(iii) of Rules of 1962 is reproduced for ready reference :-

> "**66. Attachment and sale of immovable property.**- x x x
> x x x
>
> (k) Where a decree-holder purchases the

property, the purchase money and the amount due on the decree shall be set off against one another, and the Sale Officer shall enter up satisfaction of the decree in whole or in part accordingly.

x x x

(6) (i) On the expiration of thirty days from the date of sale, if no application to have the sale set aside is made or if such application has been made and rejected, the Recovery Officer shall make an order confirming the sale :

Provided that, if he shall have reasons to think that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

(ii) Whenever the sale of any immovable property is not so confirmed or is set aside, the deposit or the purchase money, as the case may be, shall be returned to the purchaser.

(iii) After the confirmation of any such sale, the Recovery Officer shall-

(a) grant a certificate of sale bearing his seal and signature to the purchaser and such certificate shall state the property sold and the name of the purchaser and it shall be conclusive evidence of the fact of the purchase in all Courts and Tribunals, where it may be necessary to prove it and no proof of the seal or signature of the

> Recovery Officer shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness;
>
> (b) Serve notice on the person or persons in possession of the immovable property mentioned in the certificate of sale, to deliver possession thereof to the purchaser within 15 days from the date of receipt of notice by him;]"

28. In the case at hand, there was a finding recorded by Revisional Authority that the sale certificate was issued by Sale Officer (Annexure A-1) and not by Recovery Officer. Sale Officer is having no authority to issue sale certificate and therefore, even otherwise for want of sale certificate also, auction sale cannot be said to be completed. The facts with respect to the manner, in which, proceeding took place was not disputed by the appellant. There was violation of Rules of 1962 at every stage of the auction proceedings initiated by the Sale Officer and therefore, the findings recorded by Tribunal and learned Single Judge cannot be said to be erroneous in any manner.

29. The second argument raised by learned counsel for the appellant, in the considered opinion of this Court is also not sustainable for more than one reasons. The written submission is not a part of pleading. If the appellant wanted some ground to be argued before the writ Court which is not a part of pleading, then he could have very well filed an application for amendment in the writ petition which he has not done. Secondly, if the ground raised in the written submission has been argued before the learned writ Court and could not have been considered for any reason, then the remedy which was available to the appellant was to file a review application supported with an affidavit pointing that the ground which was raised in the writ petition or argument, but not considered in order/judgment, but he did not opt to take recourse of the proceedings of review.

30. The Hon'ble Supreme Court in **STATE OF MAHARASHTRA V. RAMDAS SHRINIVAS NAYAK AND ANOTHER**[4] held as under :

> “4. When we drew the attention of the learned Attorney General to the concession made before the High Court, Shri A.K. Sen, who appeared for the State of Maharashtra before the High Court and led the arguments for the respondents there and who appeared for Shri Antulay before us intervened and protested that he never made any such concession and invited us to peruse the written submissions made by him in the High Court. We are afraid that we cannot launch into an inquiry as to what transpired in the High Court. It is simply not done. Public Policy bars us. Judicial decorum restrains us. Matters of judicial record are unquestionable. They are not open to doubt. Judges cannot be dragged into the arena. "Judgments cannot be treated as mere counters in the game of litigation.

4 **(1982) 2 SCC 463**

(Per Lord Atkinson in Somasundaram Chetty v. Subramanian Chetty, AIR 1926 PC 136). We are bound to accept the statement of the Judges recorded in their judgment, as to what transpired in court. We cannot allow the statement of the judges to be contradicted by statements at the Bar or by affidavit and other evidence. If the judges say in their judgment that something was done, said or admitted before them, that has to be the last word on the subject. The principle is well settled that statements of fact as to what transpired at the hearing, recorded in the judgment of the court, are conclusive of the facts so stated and no one can contradict such statements by affidavit or other evidence. If a party thinks that the happenings in court have been wrongly recorded in a judgment, it is incumbent upon the party, while the matter is still fresh in the minds of the judges, to call attention of the very judges who have made the record to the fact that the statement made with regard to his conduct was a statement that had been made in error. *(Per Lord Buckmaster in Madhu Sudan Chowdhri v. Chandrabati Chowdhrain, AIR 1917 PC 30).* That is the only way to have the record corrected. If no such step is taken, the matter must necessarily end there. Of course a party may resile and an Appellate court may permit him in rare and appropriate cases to resile from a concession on the ground that the concession was made on a wrong appreciation of the law and had led to gross

injustice; but, he may not call in question the very fact of making the concession as recorded in the judgment."

31. The Hon'ble Supreme Court has considered the other pronouncement in this context in paragraphs 5 to 8, which is also extracted below :-

"5. In *R v. Mellor, ((1858) 7 Cox CC 454)* Martin, B. was reported to have said:

We must consider the statement of the learned judge as absolute verity and we ought to take his statement precisely as a record and act on it in the same manner as on a record of Court which of itself implies an absolute verity.

6. In *King-Emperor v. Barendra Kumar Ghose, (28 Cal WN 170),* page, J. Said

…...these proceedings emphasise the importance of rigidly maintaining the rule that a statement by a learned judge as to what took place during the course of a trial before him is final and decisive: It is not to be criticized or circumvented; much less is it to be exposed to animadversion.

7. In *Sarat Chandra Maiti v. Bibhabati Debi, (34 Cal LJ 302)* Sir Asutosh Mookerjee explained what had to be done:

.....It is plain that in cases of this character where a litigant feels aggrieved by the statement in a judgment that an admission has been made, the most convenient and satisfactory course to follow,

> wherever practicable, is to apply to the Judge without delay and ask for rectification or review of the judgment.........
>
> 8. So the judges' record is conclusive. Neither lawyer nor litigant may claim to contradict it, except before the judge himself, but nowhere else.”

32. In the above law laid down by Hon'ble Supreme Court, it has been held in unequivocal terms that neither lawyer nor litigant may claim to contradict the Judge's record except before the Judge himself. In view of above, second ground raised by learned counsel for the appellant is also not sustainable.

33. In view of above, Revisional Authority, Tribunal and writ Court have not committed any error in recording a finding that the auction sale dated 20/09/2000 was conducted in violation of provisions of Rule 66 of Rules of 1962. There are concurrent findings of the facts by the three forums.

34. No other ground was raised by learned counsel appearing for appellant.

35. For the foregoing discussions and material available on record, we do not find any infirmity in the impugned order passed by learned writ Court. The appeal being devoid of substance, is liable to be and is hereby dismissed.

Sd/-	Sd/-
(P. R. Ramachandra Menon) **Chief Justice**	**(Parth Prateem Sahu)** **Judge**

Yogesh