

(2009) 06 AHC CK 0046

Allahabad High Court

Case No: None

Ritu Singh

APPELLANT

Vs

State of U.P.And Others

RESPONDENT

Date of Decision: June 1, 2009

Hon'ble Judges: Sunil Ambwani, J and Devendra Kumar Arora, J

Final Decision: Disposed Of

Judgement

D.K. Arora, J.

On the averments made in paragraph20 of the writ petition, we are prima facie satisfied that the matter requires consideration in summer vacations.

The petitioner is permitted to implead Shri Ram Kumar Pal as party respondent no. 4 to the writ petition. Learned standing counsel appears for respondent No. 1. Shri Vivek Verma appears for respondent nos. 2 and 3. Issue notice to newly impleaded respondent no. 4. Steps within a week. The respondents are allowed four weeks to file counter affidavit. The petitioner will have one week thereafter to file rejoinder affidavit. List on 14th July, 2009.

Learned counsel for the petitioner states that the petitioner has purchased plot No. 840, BlockB, Panki, Kanpur Nagar area 735 square yards, from Shri Ram Kumar Pal the lessee by the Kanpur Nagarmahapalika. The lease deed was executed and registered on 3.5.1974. Shri Ram Kumar Pal applied for free hold rights. The free hold rights were granted by the Kanpur Development Authority in his favour vide registered deed dated 28.6.2007. Shri Ram Kumar Pal thereafter sold the plot to the petitioner on 12.5.2008. The sale deed was registered on the same day for a sale consideration of Rs. 8 lacs, on which the stamp duty was paid on valuation of Rs. 9, 68, 000/-. In this writ petition the petitioner is aggrieved by a publication by Kanpur Development Authority in "Dainik Jagaran" dated October 28.5.2009 offering the same plot for sale inviting applications by 20.6.2009.

Shri Vivek Varma, learned counsel appearing for Kanpur Development Authority (in short the KVA) states on the basis of letter dated 9.4.2008 received by him from Vice Chairman of the KVA that there is no record of lease in favour of Shri Ram Kumar Pal and that the lease deed is fraudulent. He does not deny that free hold rights was granted to Shri Ram Kumar Pal and states that the disciplinary action has been initiated against the person, who had represented the KVA in executing the deed granting free hold rights.

Prima facie we find that the petitioner has shown sufficient interest in the property inasmuch as she had purchased a property by registered deed from the person in whose favour the KVA had executed a registered document to convert the lease rights into free hold.

Until further orders the Kanpur Development Authority is restrained from allotment or settling the rights over plot No. 840 BlockB, Panki, Kanpur Nagar to any third person. The respondents are also restrained from dispossessing the petitioner from the plot in dispute.