

D.R.(M)

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Ref: 96

May kindly see the letter, placed below at flag 'A-1', received from Sri Shaileshwar Nath Singh, Special Judge (D.A.A.), Baudaun in the matter of sale of ancestral joint agricultural land Khata no. 001, Gata no. 62, Rakba 1.320 & Khata no. 00128 Gata no. 63 rakba 0.0450, total Rakba 1.365, situated at Mauja Mahogini, Pargana Bhooilee, Tehsil Chunar, Distt. Mirzapur.

It is submitted that earlier Sri Singh vide his letter at flag 'A' has submitted that they three real brothers namely S/Sri Avi Mukhteshwar Nath Singh, Shaileshwar Nath Singh & Dr. Brijeshwar Nath Singh Sons of Sri Prem Singh and, his brother's wife (bhabhi) Smt. Padmini Singh W/o Late Sri Pas Mukhteshwar Nath Singh and nephew Sri Amit Kumar Singh S/o Sri Pas Mukhteshwar Nath Singh are the joint owners of ancestral agricultural land Khata no. 001, Gata no. 62, Rakba 1.320 & Khata no. 00128 Gata no. 63 rakba 0.0450, total Rakba 1.365, situated at Mauja Mahogini, Pargana Bhooilee, Tehsil Chunar, Distt. Mirzapur. The aforementioned land, with due consent of all the joint owners, had been sold to Smt. Amravati W/o Sri Jai Shankar Pal and Smt. Reeta Devi W/o Sri Prakash Pal, residents of Moh. Bhikharipur, D.L.W. Varanasi for Rs. 37,50,000/- through registered sale deed dated 04.08.2012 and from the total sale sum, he has got a sum of Rs. 10,50,000/- through bank drafts. The said sum of Rs. 10,50,000/- has been gifted by him to his major son Mr. Prashant Patel through cheque no. 005012 dated 18.08.2012.

On receipt of the above mentioned letter of the officer, a Court's letter dtd. 25.03.2014, has been sent in which the officer had been asked to clarify as to why he has sold the plot to private persons, without obtaining prior permission of this Court under the provisions of Rule 24 (1) of U.P. Government Servants' Conduct Rules 1956.

In reply of the Court's letter dtd. 25.03.2014, Sri Singh vide his letter at flag 'A-1' has stated that the above mentioned land was in joint ownership of his three brother & himself, which is situated quite a distance from Mirzapur at a village named Mahogini, connected with difficult terrain and temporary bridge. His elder most brother Sri Pas Mukhteshwar Nath Singh was an advocate by profession (Ex Addl Advocate General, Hon'ble High Court, Allahabad) and died on 11.06.2012 and thus his widow Smt. Padmini Singh & son Sri Amit Kumar Singh and rest of the officer's brothers have decided to sell off the aforementioned land and the officer has only $\frac{1}{4}$ land in his share which could not be separated from the whole plot and it was also quite difficult for him to take care of his $\frac{1}{4}$ part of the land as the roads to the land are uneven & in a deplorable condition. The officer had also stated that he had read somewhere that the property purchased should not be sold without taking permission of the

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20/9/14

Hon'ble Court & the abovementioned plot had been inherited by him and therefore he thought to sell off the plot along with his co-sharers to the private persons without taking prior permission of the Hon'ble Court. His interpretation was wrong, as he admitted, due to hindi edition of relevant rules, which was bonafide. He has, finally stated that in this regard, his mistake may kindly be regretted and he will try to be ^{careful} ~~alert~~ in future that such mistake may not be repeated. He has also requested for grant of ~~permission for grant of~~ ^{permission} Ex-post facto in this regard.

It is further submitted that as per Rule- 24 (1) of U.P. Government Servant's conduct Rule-1956: -

"No Government servant shall, except with the previous knowledge of the appropriate authority acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family;

Provided that any such transaction conducted otherwise than through a regular & reputed dealer shall require the previous sanction of the appropriate authority."

Under the facts and circumstances, mentioned above, if approved, the file may kindly be laid before Hon'ble Mr. Justice Sanjay Misra for His Lordship's kind perusal and orders?

St. Jainwal
26.6.14
S.O.

Senior Registrar (Judicial) (Budget)

Submitted for kind perusal and onward submission before Hon'ble Mr. Justice Sanjay Misra for His Lordship's kind perusal and order.

Sanjay
27.6.14
D.R. (Misc.)

This file received back without order from the then Hon'ble Mr. Justice Sanjay Misra on change of Hon'ble Mr. Justice Sanjay Misra.

Hon' ble Mr. Justice Sanjay Misra
Submitted for kind perusal and orders.

D R (M)

[Signature]
Sr. Registrar (B)
22.11.14

[Signature]
Sr. Registrar (Budget)
4.7.14

S-o (Admin. Au)

[Signature]
D R (M)
22-11-14

[Signature]
Mrs. Meenmu
19/5
25/11/14