

Hon'ble Mr. Justice Ali Zamin,

Nominated Judge, Agra

Most humbly it is submitted that, the matter was firstly placed before the then Nominated Judge Hon'ble Mr. Justice Anant Kumar who has superannuated on 06.06.2020. As your Lordship has been nominated Nominated Judge for Agra Judgeship, hence submitted for your Lordship's kind perusal and orders as proposed in the office note dated 06.06.2020 (placed below).

Registrar (J)(Budget)

20.06.2020

Registrar (J) (Budget)

May kindly see the online application of Sri Mahesh Kumar Kushwaha, Additional District & Sessions Judge, Agra for grant of permission to sell his immovable property i.e. plot no. 1/818 Ratan Khand, Sharda Nagar, Raebareli Road, Lucknow.

In his application, Sri Kushwaha has stated that he is the owner of a plot no. 1/818 Ratan Khand, Sharda Nagar, Raebareli Road, Lucknow, information regarding the same has been duly submitted to this Hon'ble Court through letter no. 1240/XV PF of District Judge, Lucknow on 04.07.2009. The said property is in his name & his wife's name Smt. Pratibha Kushwaha upon which some construction has also be made by him. Now, he intended to purchase another plot in Gomti Nagar Extension, Lucknow for which he decided to sell off the abovementioned plot to Sri Lalmani Yadav S/o Sri M.R. Yadav R/o 2/52 Type D-2, Bangla Bazaar sector L, L.D.A. Colony Lucknow for Rs. 70,00,000/-. Permission regarding sale of the said plot has been placed before the Hon'ble Court on 25.09.2018, upon which the Hon'ble Court has granted him permission vide Court's letter no. 10861/IV-2882/Admin (A-4)/Dated 19.08.2019. But neither any advance has been taken from the purchaser nor he waited till permission was granted from the Hon'ble Court & thus did not purchase the said plot. Therefore, although permission was granted from the Hon'ble Court but the transaction could not take place. Now, after trying his level best he has found another purchaser for purchase of the aforementioned plot i.e. Sri Rajesh Kumar Yadav S/o Sri Kishori Lal R/o New Sikrori, Etoli, Kakori, Lucknow & Smt. Rani Yadav W/o Sri Rajesh Kumar Yadav for Rs. 70,00,000/-. The officer has executed a verbal agreement with the said purchasers & as a result of this agreement Rs. 10,00,000/- is stated to have been paid to him through cheque no. 438793 Vijaya Bank, Aashiyana, Lucknow.

The copy of cheque received from the proposed purchaser & their Aadhar card has been submitted by the officer as attachment. The said purchasers are not related to him in any way and no case of their is pending in or decided in his Court. He has, therefore, now requested for grant of permission to sell the plot to the said purchasers.

In this connection, it is submitted that the said plot was purchased by the officer in the year 2009 for Rs. 7,20,000/- (as relevant record shows). It is also submitted that vide Court's order dated 29.07.2019, the officer has already been granted permission to sell the plot to Sri Lalmani Yadav S/o Sri M.R. Yadav R/o 2/52 Type D-2, Bangla Bazaar sector L, L.D.A. Colony Lucknow for Rs. 70,00,000/-, but now, the officer has stated that Sri Lalmani Yadav is not willing to purchase the same and, thus he wants to sell it to another purchaser Sri Rajesh Kumar Yadav S/o Sri Kishori Lal R/o New Sikrori, Etoli, Kakori, Lucknow & Smt. Rani Yadav W/o Sri Rajesh Kumar Yadav, for the same amount of Rs. 70,00,000/-. Now, it is on the discretion of the Court. 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.”

May, therefore, if approved by the Hon'ble Mr. Justice Anant Kumar fresh permission be accorded to Sri Mahesh Kumar Kushwaha, Additional District & Sessions Judge, Agra to sell his immovable property i.e. plot no. 1/818 Ratan Khand, Sharda Nagar, Raebareli

Road, Lucknow, to Sri Rajesh Kumar Yadav S/o Sri Kishori Lal R/o New Sikrori, Etoli, Kakori, Lucknow & Smt. Rani Yadav W/o Sri Rajesh Kumar Yadav for a sum of Rs. 70,00,000/-, **instead of** the earlier granted permission to Sri Lalmani Yadav S/o Sri M.R. Yadav R/o 2/52 Type D-2, Bangla Bazaar sector L, L.D.A. Colony Lucknow, as requested, subject to the conditions that he should submit the relevant papers of the transaction after its completion?

Munmun Narang

Review Officer

Mohd. Arshad

Asst. Registrar

06.06.2020