

Registrar (J) (Budget)

May kindly see the online application received from Sri Rahul Kumar Katyan, Presiding Officer, Motor Accident Claims Tribunal, Ghazipur regarding grant of permission to sell house constructed on plot no.- 2/66 Vikrant Khand, Gomti Nagar, Lucknow, and also to sell a flat measuring 1200 sq. feet, situated/constructed as building on plot no. 30, Khurram Nagar, Khasra no. 364, Paragna & Tehsil- Lucknow, Lucknow.

In his application, Sri Rahul Kumar Katyan has stated that an immovable property i.e plot no.- 2/66 Vikrant Khand, Gomti Nagar, Lucknow was previously allotted in the name of his late wife before his joining of judicial service. After their marriage, the said plot was registered in the joint name of both of them. After the sad demise of his wife in 2009, two-and-a-half-story construction on the plot measuring 300 sq. meters was made in 2011-12 & 2012-13 from his salary savings and by taking a loan from LIC Housing Finance Ltd.. At present, after the mutation process, the officer's name has been registered on the said property. Now, due to some family reasons, he has to sell off the said property, and the sale transaction is proposed with one Smt. Shikha Jain W/o Amrit Jain, D/o Sri Ajay Garg, R/o 311/24, Kamla Nehru Marg, Sheese Wali Building, Chowk, Lucknow for Rs. 1,64,00,000/- (One crore Sixty-four Lac rupees). The officer has received an advance amount of Rs. 13,00,000/- from the said buyer as advance money on oral agreement only and has deposited an amount is Rs.6,39,606/- from the same as full and final payment of LIC loan. The buyer is not related to the officer and neither her case is pending in his court nor he has decided his case at any point of time. (Copy of Title related papers are in Annexure 01, 02 and name change letter as attachment). The loan taken by LIC Housing Finance Ltd. has been fully repaid from the advance money taken from the proposed buyer (may kindly see attachment namely LIC HFL final submission letter). Therefore, he has humbly requested the Hon'ble court to grant him permission to sell the aforesaid house to the proposed buyer.

Furthermore, the officer has stated that another property i.e. plot 30 Khurram Nagar, Khasra no. 364, Pargana & Tehsil Lucknow Distt. Lucknow was in the name of his late wife Smt. Geeta Singh measuring 223.05 sq. m. This property is stated to have been gifted to his wife by her real brother Sri Alok Singh S/o Sri Ram Murti Singh R/o 23, Clive Road, Allahabad out of natural love & affection. The gift deed was executed on 31.03.2003. The said property has also been mentioned in his property statement. Moreover, before his wife's death, his wife executed a "Will" in the name of the officer. In 2020-21, on the said the said plot, a building was constructed by a builder firm as per an Agreement executed between him and the builder firm namely M/s Kudrat Developers & Construction Pvt. Ltd. through its director Atif Arshad S/o Arshad Ali R/o House No. 114/1, Naya Gaon, West, Lucknow (may kindly see attachment namely "Agreement"). All the building cost on the said property has been made by the builder itself and 50% ownership of the said building was decided to be of the builder firm and 50% of the officer's share i.e. of two flats. On the constructed building, one flat measuring 1200 sq. feet, which the officer owns is proposed to be sold to one Sri Mohd. Saif S/o Mohd. Taamil R/o 499, near Nurehaq school, Mubarakpur, Tanda Distt. Ambedkar Nagar, U.P. for Rs. 29,97,000/-. However, no written 'Agreement Deed' is made. No case of the Developers or the proposed buyer of the flat is pending in his court nor any of their case is pending or decided by him Therefore, he has humbly requested the Hon'ble Court to grant him permission to sell the aforesaid flat also to the proposed buyer.

In this connection, it is submitted that the officer has mentioned these properties in his Property Statements. Relevant Rule 24(1) of U.P. Government Servants' Conduct Rule, 1956, is applicable in this case, which speaks as under-

"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."

Here it is worth to mention that according to the officer, both the transactions are proposed to be finally executed on oral agreements, although one of the transaction contains heavy amount. Acceptance of his request even after not submitting any such supporting papers, is upon the discretion of Hon'ble Court.

May, therefore, if approved, the matter be laid before Hon'ble Mr. Justice Manoj Bajaj, Administrative Judge, Ghazipur also nominated for "Disposal of the matters of the Judicial Officers, wherein permission/information for sale or purchase of movable/immovable property and permission/information to accept gift under U.P. Government Servants' Conduct Rules 1956" for the District Ghazipur, for His

Lordship's kind perusal and if His Lordship approves:-

1. Sri Rahul Kumar Katyan, Presiding Officer, Motor Accident Claims Tribunal, Ghazipur be granted permission to sell house constructed on plot no.- 2/66 Vikrant Khand, Gomti Nagar, Lucknow to Smt. Shikha Jain W/o Amrit Jain, D/o Sri Ajay Garg, R/o 311/24, Kamla Nehru Marg, Sheese Wali Building, Chowk, Lucknow for Rs. 1,64,00,000/- (One crore Sixty-four Lac rupees), as well as to sell flat measuring 1200 sq. feet at residential plot no. 30, Khurram Nagar, Khasra no. 364, Pargana & Tehsil Lucknow Distt. Lucknow to Sri Mohd. Saif S/o Mohd. Taamil R/o 499, near Nurehaq school, Mubarakpur, Tanda Distt. Ambedkar Nagar, U.P. for Rs. 29,97,000/- (Twenty-nine lac ninety-seven thousand rupees), as requested, subject to the condition that the relevant papers in connection with both the sale transactions shall be furnished immediately on completion of the transactions?

Or

2. Any other order as His Lordship deem fit and proper.

Munmun Narang S.O.

Meetu Verma A.R.

Hon'ble Mr. Justice Manoj Bajaj,

Administrative Judge, Ghazipur

Submitted for kind perusal & orders?

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