

Registrar(J)(Budget)

May kindly see the online application of Sri Kamaluddin, Additional District & Sessions Judge, Etah regarding grant of permission to purchase plot Araji No. 520-Sa having area of 278.826 Sq.meter /3000 sq. Feet., Bhakhamau, Paragana- Mahona, Tehsil Bakshi Ka Talab, Lucknow as per 'agreement to sell' dated 11.02.2024.

In this connection, it is submitted that Sri Kamaluddin wants to purchase a landed property/plot situated in village Bhakhamau, Pargana-Mahona, Tehsil Bakshi ka Talab, Lucknow, araji no. 520-Sa, area 278.826 sq.meter/3000 sq.feet for a sale consideration of Rs. 15,00,000/- from private persons. He has paid Rs. 2,00,000/- as advance to the sellers from his salary A/c. The matter was submitted before Hon'ble Mr. Justice Nalin Kumar Srivastava, Administrative Judge Etah, vide office note dated 21.02.2024 upon which His Lordship has been pleased to pass the following order:-

"Office be directed to provide whether any rule/permission required before agreement for purchasing any movable/immovable property from private person other than regular and reputed one."

In compliance of the Hon'ble Court's order, It is submitted that as per Rule 24 of U.P Government's Servant's conduct Rule- 1956, if a Government servant/ Judicial Officer proposes to purchase an immovable/ movable property from a private person/ private persons, it is imperative for the officer to obtain prior permission of this Hon'ble Court under Rule- 24 (1) and 24 (2) respectively of U.P. Government Servant's conduct Rule-1956, which runs as follows:-

Rule- 24 (1) -

"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."

Rule- 24(2):-

"A Government servant who enters into any transaction concerning any movable property exceeding in value, the amount of his basic pay for one month, whether by way of purchase, sale or otherwise, shall forthwith report such transaction to the appropriate authority :

Provided that no Government servant shall enter into any such transaction except with or through a reputed dealer or agent of standing, or with the previous sanction of the appropriate authority."

According to the above-mentioned rule 24 (1) relating to an immovable property, the officer is required to obtain prior permission to acquire an immovable property and acquisition takes place only through a registered sale deed. By entering into an Agreement, acquisition rights are not granted and as such, it appears that there is no requirement to obtain permission before getting into an agreement to purchase any immovable property or also in a case of getting a movable property from a private person. There appears no such barring written in the said rules also.

May, therefore, if approved, this report/supplementary office note in compliance of Hon'ble Court's order be laid before Hon'ble Mr. Justice Nalin Kumar Srivastava Administrative Judge, Etah for His Lordship's kind perusal & further order of His Lordship in the matter, as per proposal in detailed office note dated 21.02.2024, submitted earlier?

Vipin Yadav R.O

Munmun Narang S.O

Meetu Verma A.R

Hon'ble Mr. Justice Nalin Kumar Srivastava,

Administrative Judge, Etah

Submitted for kind perusal & orders?

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