

Allahabad High Court

Smt. Rehana Begum & Another vs State Of U.P. Thur. Its Principal ... on 2 February, 2010

Court No. - 28

Case :- U/S 482/378/407 No. - 431 of 2010

Petitioner :- Smt. Rehana Begum & Another

Respondent :- State Of U.P. Thur. Its Principal Secy, Home Deptt.& Another

Petitioner Counsel :- Krishna Mohan

Respondent Counsel :- Govt. Advocate

Hon'ble Alok K. Singh,J.

Newly engaged learned counsel for opposite party no.3 may file his vakalatnama in the office of this Court.

Heard the learned counsel for the applicants and learned A.G.A. who has put in appearance on behalf of State, opposite parties nos. 1 and 2 and newly engaged learned counsel for opposite party no.3 Smt. Mithlesh Kumari and perused the material on record.

Let notice be issued to opposite party no.4 returnable at an early date.

Steps may be taken within seven days by registered post failing which the interim order which is being passed herein below shall come to an end automatically.

Let counter affidavit, if any, on behalf of opposite parties nos. 3 and 4 be filed within a week. Rejoinder affidavit, if any, may be filed within a week thereafter.

List immediately after expiry of the aforesaid period.

Learned counsel for the applicants points out that the applicant no.1 is a bonafide purchaser for consideration whereas applicant no.2 is a marginal witness.

It comes out from record that the vendor of applicant no.1 and opposite party no.3 is a common i.e. Smt. Lalti Devi, opposite party no.4 who owns a land measuring about more than two bighas. She executed the sale deed of a land approximately one bigha in favour of first purchaser i.e. opposite party no.3. Subsequently she executed a sale deed of lesser area i.e. about 102.88 sqmt. in favour of applicant no.1. There are chances of some confusion because of no demarcation on the spot.

In view of the above, as an interim measure it is provided that till the pendency of this petition no coercive measure shall be taken against the both the applicants.

Order Date :- 2.2.2010 PAL/