

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8982/2006

(From the judgement and order dated 03/03/2006 in CMWP No. 11881/2006 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

PHAUJDAR (D) THROUGH LRS. Petitioner(s)  
VERSUS  
DEO NARAIN @ DEO NANDAN & ORS. Respondent(s)

(With prayer for interim relief and office report )  
(For final disposal)

Date: 07/02/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Rajesh Tyagi, Adv.  
Mr. Atishi Dipankar, Adv.

For Respondent(s) Mr. R.D. Upadhyay, Adv.  
Mr. Shekhar Raj Sharma, Adv.  
Mr. Anuvrat Sharma, Adv

UPON hearing counsel the Court made the following  
O R D E R

We find no reason to interfere under Article 136 of the Constitution of India.

The High Court has interfered with the order of the authority on the ground that the impugned order withdrawing the permission granted under Section 157A of the U.P. Zamindari Abolition & Land Reforms Act could not have been made after the execution of the sale deed in pursuance of the permission. The petitioner is not the person who obtained the permission under the said provision. He is a rival claimant to the land and his title suit against Ram Karan and Ram Das (the vendors) is still pending. Neither the grant of permission

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for sale under Section 157A, nor the execution of the sale deed by Ram Karan and Ram Das in favour of first respondent, will affect the title of the petitioner, if he is able to establish his title in the pending civil proceedings.

If the petitioner is already in possession of the land, the mere fact that the

sale deed has been executed in the name of  
first respondent will not entitle first  
respondent to interfere with the possession,  
otherwise than in accordance with law.

The special leave petition is,  
therefore, dismissed.

(Ravi P. Verma)  
Court Master

(M.S. Negi)  
Court Master