**A.F.R.**
Neutral Citation No. - 2026:AHC-LKO:75352
Reserved on: 29.09.2026
Delivered on: 16.10.2026

**HIGH COURT OF JUDICATURE AT ALLAHABAD**
**LUCKNOW**

**WRIT - C No. - 11162 of 2017**

Rajendra Kumar and another

…..Petitioner(s)

Versus

State of U.P. Thru Secy.Tacation and Registration Lko. and Ors.

…..Respondent(s)

| | | |
|---|---|---|
| Counsel for Petitioner(s) | : | Anurag Srivastava, Jyotindra Prakash Pathak, Laxmi Kant Pathak, Mohammad Danish, Mohd. Mansoor |
| Counsel for Respondent(s) | : | C.S.C., Anit Vishal Srivastav, Mohammad Ehtesham Khan, Pooja Pandey, Pradeep Kumar Singh |

**Court No. - 4**

**HON'BLE IRSHAD ALI, J.**

**1.** Heard Sri Mohd. Mansoor, learned counsel for the petitioners, Sri Shiv Ganesh Singh, learned Additional CSC for the respondent Nos.1 to 3 – State, Sri M.E. Khan, learned counsel for respondent Nos.4 & 5 and Sri Amit Prasad Srivastava, learned counsel for the intervenor.

**2.** The present writ petition has been filed on following prayer:

> *"i) To issue a writ order or direction in the nature of certiorari thereby quashing the impugned order dated 30.3.2017 passed by the opposite party no.2 as contained in Annexure-13 to the writ petition:*
>
> *ii) To issue a writ order or direction in the nature of mandamus thereby commanding the opposite parties not to interfere over the land having no.392/0-5-0, 395 Ka/0-1-0, 356/0-14-0, 357/0-2-5, 359/0-7-0, 354/1-10-5, 364/0-8-0, 366/0-8-10, 367/0-9-0, 355/0-3-5, 397/0-1-0, 471/0-5-10, 477/0-13-11, half of*

*41/0-6-2 i.e.0-3-1 total 14 plots having consolidated area 5-11-07 situated at Gram Pura Husain Khan, Pargana Haveli Avadh, Tehsil & District Faizabad which is in the peaceful possession of the petitioners;*

*iii) To issue any other writ order or direction which this Hon'ble Court may deem just and proper in the nature and circumstances of the case;*

*iv) To award the cost of this writ petition."*

**3.** Factual matrix of the case is that opposite party no.4 is a business trust which is being run, managed and supervised by the opposite party no.5. The land in question is situated on the eastern side of Faizabad National Highway/Faizabad-Allahabad Road at Gram Husain Khan, Pargana Haveli Avadh, Tehsil and District Faizabad. The said land was the valuable land of Sankramaniya Bhumidari belonging to the father of the petitioners, namely, Late Chotey Lal.

**4.** Father of the petitioners, namely, late Chotey Lal had sold some portion of his land to the opposite parties no.4 and 5 in the year 1985 after obtaining the requisite permission from the District Magistrate, Faizabad. Consequently, cordial relations had developed between the father of the petitioners and the opposite parties no.4 and 5.

**5.** Petitioner no.1 had also been working as a Turner in the Sugar Mill of the opposite party no.5 and on account of the aforesaid relationship, the relations between the petitioners' father and the opposite parties no.4 and 5 remained cordial for some time.

**6.** Father of the petitioners belonged to the Scheduled Caste category. The land in question being situated near the main Faizabad-Allahabad Road, was valuable property. Taking advantage of its valuable location, opposite party no.5 repeatedly expressed his desire and eagerness to purchase the remaining land of the petitioners' father. However, the father of the petitioners categorically declined to sell the said land.

**7.** Subsequently, when father of the petitioners was in dire need of money and keeping in view the fact that the opposite parties no.4 and 5

had earlier purchased some land from him in the year 1985, he approached opposite party no.5 for a temporary loan of Rs.40,000/-. Opposite party no.5 advanced a sum of Rs.40,000/- to the father of the petitioners but taking advantage of the circumstances and without disclosing the true nature and purpose of the documents, obtained his signatures on certain stamp papers.

**8.** After the aforesaid amount was repaid by the father of the petitioners, opposite party no.5 did not return the stamp papers/documents bearing his signatures despite repeated demands. The said documents were, thereafter, allegedly misused by opposite party no.5 for creating a document purporting to be an agreement to sell in respect of the valuable land of the petitioners' father.

**9.** In connivance with the opposite party no.5, the blank/stamp papers upon which the signatures of the father of the petitioners had earlier been obtained were fraudulently converted into an alleged instrument dated 30.04.1989 described as an agreement to sell, purportedly executed by the father of the petitioners in favour of opposite parties no.4 and 5.

**10.** Under the alleged agreement to sell dated 30.04.1989, fourteen plots bearing Plot Nos. 392 area 0-5-0, 395-Ka area 0-1-0, 356 area 0-14-0, 357 area 0-2-5, 359 area 0-7-0, 354 area 1-10-5, 364 area 0-8-0, 366 area 0-8-10, 367 area 0-9-0, 355 area 0-3-5, 397 area 0-1-0, 471 area 0-5-10, 477 area 0-13-11 and half share of Plot No.41 area 0-6-2, together with Plot No.100 area 0-3-1 having a consolidated area of 5-11-07 situated at Gram Pure Husain Khan, Pargana Haveli Avadh, Tehsil and District Faizabad, were allegedly shown to have been agreed to be sold in favour of opposite parties no.4 and 5. The aforesaid property is hereinafter referred to as the "land in question".

**11.** On the basis of the aforesaid alleged agreement to sell dated 30.04.1989, the opposite parties no.4 and 5 attempted to get the said

instrument registered before the Sub-Registrar, Faizabad under the provisions of the Registration Act, 1908.

**12.** After following the procedure prescribed under law, the Sub-Registrar, Faizabad passed an order dated 24.01.1990 refusing to register the alleged agreement to sell dated 30.04.1989 in favour of the opposite parties no.4 and 5. Being aggrieved by the order dated 24.01.1990, opposite party no.4 preferred an appeal/case before opposite party no.2 under Section 72 of the Registration Act, 1908 on 24.02.1990. The said proceedings were registered as Case No.1 of 1990, titled "Laxmi Public Charitable Trust Versus Chotey Lal".

**13.** The permission to sell the land in question had allegedly been obtained by opposite party no.4 by practising fraud and permission dated 14.04.1989 had been obtained in circumstances which were subsequently disputed by father of the petitioners. Accordingly, father of the petitioners submitted an application dated 22.09.1990 before the District Magistrate, Faizabad placing the true facts on record and requesting cancellation of the permission dated 14.04.1989.

**14.** Upon consideration of the application dated 22.09.1990 submitted by the father of the petitioners, the District Magistrate, Faizabad cancelled the aforesaid permission vide order dated 06.10.1990. Pursuant thereto, an order dated 09.10.1990 was issued by the District Land Management Officer, Faizabad.

**15.** Father of the petitioners, thereafter, filed his objections/written statement dated 17.10.1990 in Case No.1 of 1990 before opposite party no.2. In the said objections, father of the petitioners specifically raised a preliminary objection regarding the maintainability of the appeal filed by opposite party no.4 under Section 72 of the Registration Act, 1908. It was specifically pleaded that Section 71 of the Act deals with refusal of registration on grounds other than denial of execution, whereas in the

present case the Sub-Registrar had refused registration because father of the petitioners had denied execution of the alleged instrument.

**16.** In the aforesaid objections, father of the petitioners categorically stated that he had never entered into any agreement to sell the land in question with opposite party no.4 or opposite party no.5. It was specifically asserted that the alleged instrument had been fraudulently prepared by opposite party no.5 with the intention of grabbing the valuable property of the petitioners.

**17.** During pendency of Case No.1 of 1990, father of the petitioners, namely, late Chotey Lal, expired on 20.09.1995. Despite having knowledge of his death, opposite party no.4 did not take steps within the prescribed period for substitution of the petitioners in place of their deceased father.

**18.** After an inordinate delay, opposite party no.4 moved an application for substitution before opposite party no.2. The petitioners opposed the said application on the ground of delay and absence of any provision under the relevant statute for condoning such delay. Despite the objections raised by the petitioners, opposite party no.2 allowed the application for substitution vide order dated 12.01.1998.

**19.** Being aggrieved by the circumstances arising out of the alleged agreement to sell and in order to seek adjudication of their substantive rights over the property, the petitioners instituted Regular Suit No.436 of 1998, titled "Rajendra Kumar and Others Versus Laxmi Public and Others", before the Court of the Civil Judge (Senior Division), Faizabad, under Order VII Rule 1 read with Section 151 CPC seeking a declaration that the alleged agreement to sell was null and void and was not binding upon the petitioners.

**20.** In the aforesaid Regular Suit No.436 of 1998, opposite parties no.4 and 5 filed their written statement on 24.11.2003 denying the assertions and allegations made by the petitioners in the plaint.

**21.** It is alleged that, in the meanwhile taking advantage of his position and influence, opposite party no.5 exercised political pressure upon opposite party no.2, who, thereafter, passed an order dated 24.01.2002 in favour of the opposite parties, whereby the earlier order dated 24.01.1990 passed by the Sub-Registrar, Faizabad was cancelled/set aside. By the said order dated 24.01.2002, the Sub-Registrar was directed to reconsider the matter by exercising the powers contemplated under Section 36 of the Registration Act and to call the witnesses in relation to the disputed instrument.

**22.** In pursuance of the order dated 24.01.2002, the matter was referred to the Sub-Registrar, Sadar, Faizabad on 09.07.2003 for taking steps regarding registration of the disputed instrument. Thereafter, the Sub-Registrar, Sadar, Faizabad submitted/issued a communication dated 31.07.2003 to the District/Sub-Registrar, Faizabad clarifying the relevant legal position concerning registration of the disputed instrument in the light of the order dated 24.01.2002.

**23.** Thereafter, on behalf of opposite party no.4 another application for disposal of the pending appeal/case was filed before opposite party no.2 on 05.01.2004. Despite aforesaid proceedings, the matter remained pending before opposite party no.2 for a considerable period. Ultimately, the petitioners submitted detailed objections dated 17.01.2017, specifically reiterating that their father had never executed any agreement to sell in favour of opposite party no.4 or opposite party no.5.

**24.** In the objections dated 17.01.2017, the petitioners specifically pointed out that the alleged instrument did not bear the photograph of their deceased father and that the signatures thereon were also seriously disputed. It was further stated that no consideration whatsoever had ever been received by their father towards the alleged sale transaction. The petitioners also specifically pointed out that the witnesses to the alleged document sought to be registered were servants of opposite party no.4

and its counsel, thereby raising serious questions regarding the genuineness and credibility of the alleged instrument.

**25.** Against the detailed objections filed by the petitioners, opposite party no.4 filed a counter before opposite party no.2 on 21.01.2017, wherein incorrect and false facts were stated in an attempt to support the alleged agreement to sell. Thereafter, without properly considering the factual and legal position of the case and without properly appreciating the material documents available on record, opposite party no.2 proceeded to pass the impugned order dated 30.03.2017 in a wholly illegal, arbitrary and unjustified manner.

**26.** By means of the impugned order dated 30.03.2017, opposite party no.2 held that execution of the disputed instrument by the father of the petitioners in favour of opposite party no.4 stood proved. Opposite party no.2 further admitted/entertained Appeal/Case No.1 of 1990, titled "Laxmi Public Charitable Trust Versus Chotey Lal and Others", arising out of the order dated 24.01.1990 passed by the Sub-Registrar, Faizabad.

**27.** Opposite party no.2, vide impugned order dated 30.03.2017, further directed that upon presentation of the disputed instrument before the Sub-Registrar, Sadar, Faizabad, the same be registered in accordance with the relevant provisions of the Registration Act, 1908.

**28.** The impugned order dated 30.03.2017 has been passed without properly considering the specific case of the petitioners that their father had never executed the alleged agreement to sell, that the disputed document had been fraudulently prepared by misusing his signatures, that no consideration had been received by him and that the genuineness and execution of the disputed instrument were specifically denied from the very inception.

**29.** The impugned order dated 30.03.2017 is further vitiated by non-consideration of the material facts and documents placed before opposite party no.2 including the earlier order dated 24.01.1990 passed by the

Sub-Registrar refusing registration, the objections filed by the father of the petitioners, the cancellation of the permission to sell by the District Magistrate, Faizabad and the objections filed by the petitioners in the proceedings.

**30.** The impugned order dated 30.03.2017, whereby opposite party no.2 has not only upheld the alleged execution of the disputed instrument but has also directed its registration, is wholly illegal, arbitrary, contrary to the material available on record and contrary to the provisions of the Registration Act, 1908. The impugned order has caused serious prejudice to the valuable property rights of the petitioners and, therefore, is liable to be quashed by this Hon'ble Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

**31.** Submission of learned counsel for the petitioner is that the impugned order dated 30.03.2017 passed by the opposite party no.2 in Case/Appeal No.1 of 1990 is illegal, arbitrary and without jurisdiction, inasmuch as the proceedings before the registering authorities were governed by the specific statutory scheme contained in Sections 35, 71, 72 and 73 of the Registration Act, 1908 and the opposite party no.2 has failed to exercise jurisdiction strictly within the parameters prescribed by the said provisions.

**32.** He next submitted that the very maintainability of the proceedings before the opposite party no.2 was required to be examined at the threshold. Section 72 of the Registration Act applies only where a Sub-Registrar refuses registration on a ground other than denial of execution. In the present case, the refusal to register the disputed instrument was founded upon denial of its execution by the person purported to be the executant. Consequently, the statutory remedy, if any, was governed by Section 73 of the Act and not Section 72. The assumption of jurisdiction by the opposite party no.2 under Section 72 was, therefore, legally misconceived.

**33.** He further submitted that the distinction between Sections 72 and 73 of the Registration Act is substantive and jurisdictional and cannot be ignored by merely describing a proceeding under one provision as a proceeding under another. Where the executant denies execution, the Registrar is required to proceed in accordance with Section 73 and thereafter, determine the right of the person claiming under the document to have the same registered. The impugned order, having proceeded on an erroneous statutory foundation, is liable to be set aside on this ground alone.

**34.** He submitted that opposite party no.2 further committed an error of law in treating the proceedings under Section 72 as capable of being converted into proceedings under Section 73 of the Registration Act. The statutory conditions, procedure and consequences contemplated by Sections 72 and 73 are materially different. A proceeding instituted under an inapplicable statutory provision cannot acquire jurisdiction merely by subsequently giving it a different nomenclature, particularly when such conversion materially affects the substantive and procedural rights of the affected parties.

**35.** He submitted that Section 35 of the Registration Act casts a specific obligation upon the registering officer to satisfy himself regarding the identity of the persons appearing before him and where necessary, regarding admission of execution. In a case where the person by whom the document purports to have been executed denies execution, Section 35(3)(a) expressly contemplates refusal of registration. The statutory scheme does not confer upon the registering authority an unrestricted jurisdiction to conclusively adjudicate complicated questions of title, fraud, fabrication or disputed execution as though it were a civil court.

**36.** The submission is that the impugned order suffers from a fundamental jurisdictional error inasmuch as the opposite party no.2 has effectively undertaken to adjudicate upon the disputed execution of the

alleged agreement to sell as a court of plenary civil jurisdiction without appreciating the limited scope of proceedings under the Registration Act. The finding that the disputed instrument was executed by father of the petitioners could not have been recorded mechanically or without adherence to the procedure prescribed by law.

**37.** He submitted that the finding regarding execution is particularly unsustainable because the alleged executant had denied execution and the dispute concerning the genuineness and execution of the document was specifically raised before the authorities. Once execution was specifically denied, the burden lay upon the party seeking registration to establish its statutory entitlement in accordance with law. The impugned order, instead of applying the statutory test, has proceeded as though the disputed instrument carried a presumption of valid execution.

**38.** His submission is that opposite party no.2 has acted beyond the permissible limits of its statutory jurisdiction by directing that, merely upon presentation of the disputed instrument, the Sub-Registrar shall register the same. Such a direction could not legally be issued without first satisfying all statutory requirements governing registration, particularly where execution itself remained seriously disputed.

**39.** He submitted that the impugned order is also vitiated on account of violation of the principles of natural justice. The proceedings were admittedly at the stage of evidence, yet the opposite party no.2 proceeded to pronounce the final order without affording the petitioners a reasonable and effective opportunity to complete their evidence. Closure of adjudication without permitting a party to place material evidence in support of its defence amounts to denial of a meaningful opportunity of hearing.

**40.** He next submitted that the right of hearing guaranteed by the principles of natural justice is not an empty formality. Where disputed execution of an instrument is the foundational issue, the affected party

must be afforded a reasonable opportunity to adduce evidence, challenge the evidence relied upon by the opposite side and place relevant material before the adjudicating authority. The impugned order, having been passed without completing such process, is liable to be quashed for breach of natural justice.

**41.** He further submitted that the impugned order further suffers from non-application of mind, as the material objections specifically raised by the petitioners have not been considered in their proper legal perspective. The petitioners had specifically raised objections regarding the maintainability of the proceedings, denial of execution, absence of consideration, genuineness of the disputed document and the competence of the witnesses relied upon by the opposite party. These material issues went to the root of the proceedings and required specific consideration and determination.

**42.** HE submitted that an administrative or quasi-judicial authority exercising statutory powers is under a legal obligation to consider the material submissions raised before it and to record reasons dealing with the issues which have a direct bearing upon the determination of the lis. Failure to consider material objections amounts to non-application of mind and renders the resulting order vulnerable to judicial review.

**43.** His submission is that the impugned order is further vitiated because the opposite party no.2 has recorded a positive finding regarding execution of the disputed instrument without undertaking a legally sustainable evaluation of the evidence. A finding affecting valuable proprietary rights cannot be founded upon conjectures, assumptions or untested material, particularly when execution of the document has been specifically denied.

**44.** He submitted that the opposite party no.2 failed to appreciate the legal effect of the earlier order dated 24.01.1990 passed by the Sub-Registrar refusing registration. The said refusal was founded upon the

statutory consequences flowing from denial of execution. Unless the subsequent proceedings were validly instituted and conducted under the appropriate statutory provision, the earlier order could not have been displaced merely by directing the Sub-Registrar to register the disputed instrument.

**45.** His submission is that the subsequent proceedings also could not lawfully be continued against the deceased executant after his death without due and lawful substitution of the persons legally representing his estate within the prescribed period and in accordance with the applicable statutory procedure. The question of limitation and the legality of the belated substitution application was a material jurisdictional issue which required determination before proceeding further in the matter.

**46.** He submitted that opposite party no.2 committed an error of law in allowing the belated substitution application without recording a legally sustainable finding regarding the source of its power to condone the delay. Where a statutory proceeding is governed by a prescribed limitation period, the authority cannot assume an inherent power to condone delay unless such power is conferred expressly or is otherwise legally available under the governing statutory framework.

**47.** He further submitted that the impugned order is therefore liable to be interfered with on the settled principle that an authority exercising statutory jurisdiction cannot travel beyond the four corners of the statute. Any order passed in excess of statutory jurisdiction or in disregard of mandatory statutory procedure is rendered legally unsustainable.

**48.** On the other hand, learned counsel for respondent Nos.4 & 5 submitted that the present writ petition is directed against the order dated 30.03.2017 passed by the learned District Registrar/Additional District Magistrate (Finance & Revenue), Faizabad in Appeal No. 1 of 1990, whereby the statutory appeal preferred against the order dated

24.01.1990 passed by the Sub-Registrar, Sadar, Faizabad was allowed and a direction was issued for registration of the Agreement to Sell dated 30.04.1989 in accordance with Section 75(1) of the Registration Act, 1908. The impugned order is, thus, an order passed in exercise of statutory appellate jurisdiction and cannot be assailed merely on the basis of disputed factual assertions which do not demonstrate any jurisdictional infirmity.

**49.** He further submitted hat the material available before the appellate authority included the original Agreement to Sell dated 30.04.1989, the evidence concerning its execution, the material relating to payment of consideration, the proceedings undertaken before the registering authority and the subsequent conduct of the parties. The appellate authority, after examining the material placed before it, arrived at a conclusion regarding the registrability of the document. The petitioners have not been able to identify any material circumstance demonstrating that the conclusion reached by the appellate authority was based upon no evidence whatsoever.

**50.** He submitted that the allegation that the Agreement to Sell was a subsequently fabricated document is wholly inconsistent with the contemporaneous conduct attributable to Late Chhotey Lal. After execution of the Agreement, Late Chhotey Lal himself approached the competent authority for obtaining permission for sale of the land in question and permission was granted on 08.06.1989. The said circumstance is of considerable evidentiary significance, as it constitutes contemporaneous conduct consistent with the existence and intended implementation of the transaction.

**51.** He next submitted that the subsequent cancellation of the permission, stated to have taken place upon the complaint of Late Chhotey Lal himself, does not retrospectively obliterate the Agreement to Sell which had already been executed on 30.04.1989. The subsequent change of stand, if any, could not by itself constitute proof that the

document was forged at its inception. The legal consequences flowing from the Agreement and the question whether the transaction was ultimately enforceable are matters which have to be determined in accordance with law by the competent forum.

**52.** His submission is that the consideration aspect also cannot be examined in isolation from the contemporaneous documentary material. Respondent Nos.4 & 5 had placed before the competent authority documents evidencing payment of substantial amounts towards the agreed consideration, including the payment of Rs.40,000/- through cheque and the remaining payments through vouchers. The petitioners have not produced any contemporaneous document of equal evidentiary value establishing that the entire consideration was never received by Late Chhotey Lal.

**53.** His submission is that the allegation regarding subsequent refund of the amount of Rs.40,000/- is likewise unsupported by any reliable documentary material. No receipt, acknowledgment, bank record or other contemporaneous document evidencing such alleged repayment has been brought on record by the petitioners. The assertion, therefore, remains a disputed factual plea and cannot furnish a foundation for declaring the statutory appellate order illegal in writ jurisdiction.

**54.** He submitted that the conduct of Late Chhotey Lal subsequent to execution of the Agreement is also relevant for appreciating the controversy. The document was presented for registration and notice was issued to the concerned executant. Despite having knowledge of the registration proceedings, Late Chhotey Lal did not appear before the registering authority to admit or deny execution. The consequence of such non-appearance was dealt with in the statutory proceedings and the remedy contemplated under the Registration Act was thereafter pursued.

**55.** He submitted that the statutory appellate authority was consequently required to examine the effect of the material relating to

execution and registration of the document. The direction issued for registration under Section 75(1) of the Registration Act cannot be equated with a decree declaring title in favour of Respondent No.4. Registration of the document and adjudication of substantive proprietary rights operate in distinct legal fields.

**56.** His submission is that it is of particular significance that the evidence concerning execution was not confined merely to the document itself. The marginal witnesses, namely Sri Jagdamba Prasad Pandey and Sri Ram Jas, were examined during the proceedings and supported the execution of the Agreement to Sell. Their testimony constituted substantive evidence before the authority and was liable to be considered along with the other material available on record.

**57.** He submitted that the opinion of the handwriting expert dated 05.02.2004 also materially supports the case of respondent Nos. 4 & 5. The disputed signature appearing upon the Agreement to Sell was compared with the admitted signatures of Late Chhotey Lal and was opined to be his signature. The said opinion was not standing alone but was required to be considered cumulatively with the testimony of the attesting witnesses and the contemporaneous conduct of Late Chhotey Lal.

**58.** He submitted that the subsequent conduct of Suresh Kumar, one of the sons of Late Chhotey Lal, is also a relevant circumstance which cannot be completely ignored. Suresh Kumar, who was impleaded as defendant No.3 in Regular Suit No.646 of 2017, has filed a written statement acknowledging execution of the Agreement to Sell by his father. He had also executed a registered declaration dated 30.08.2016 acknowledging the execution of the Agreement to Sell dated 30.04.1989 in favour of respondent No.4 - LPCT. Such material, at the very least, demonstrates that the petitioners' allegation of complete fabrication is itself a seriously disputed proposition and cannot be treated as an admitted or established fact.

**59.** He submitted that the fact that the original executant subsequently did not proceed with registration or disputed the transaction cannot, without a proper adjudication of the surrounding circumstances, automatically lead to the conclusion that the document itself was forged. A subsequent dispute regarding a transaction is legally distinct from the question whether the document evidencing such transaction was genuinely executed.

**60.** He submitted that the substitution of the legal heirs of Late Chhotey Lal after his death on 20.09.1995 was duly undertaken in the proceedings before the competent authority. The substitution application was allowed vide order dated 12.01.1998. The petitioners cannot, therefore, seek to unsettle the consequences of the said proceedings indirectly in the present writ petition without demonstrating any independent and legally sustainable challenge to the order by which substitution was permitted.

**61.** He submitted that the petitioners' reliance upon Regular Suit No.436 of 1998 does not advance their case. The said suit was dismissed for want of prosecution and, to the knowledge of the answering respondents, has not been restored. Consequently, no subsisting adjudication arising from the said suit can be relied upon as establishing the petitioners' assertions regarding the invalidity or forgery of the Agreement to Sell.

**62.** He submitted that the very nature of the relief sought in the writ petition demonstrates that the petitioners seek, in substance, to have the Agreement to Sell declared invalid and to nullify the consequences flowing from the statutory registration proceedings. Such relief cannot be granted merely by re-assessing factual material which had already been considered by the statutory authority, particularly when the determination of the parties' substantive rights is already the subject matter of civil litigation.

**63.** He submitted that the impugned order dated 30.03.2017 does not by itself adjudicate or confer any independent title upon respondent No.4. The order operates within the limited statutory framework governing registration and directs registration of the document under Section 75(1) of the Registration Act. Questions relating to title, possession, enforceability of the Agreement to Sell, entitlement to specific performance and execution of a consequential sale deed necessarily remain governed by the orders which may ultimately be passed by the competent Civil Court.

**64.** He submitted that the petitioners cannot, therefore, treat the direction for registration as if the appellate authority had decreed specific performance or adjudicated the ultimate proprietary rights of the parties. The legal effect of registration, the enforceability of the Agreement and the consequential rights of the parties are separate questions and remain subject to adjudication in accordance with law.

**65.** He submitted that the statutory appellate authority cannot be said to have acted mechanically merely because its conclusion is adverse to the petitioners. The authority considered the material relating to the Agreement, the evidence concerning its execution and the circumstances attending the registration proceedings. A judicial review proceeding cannot be converted into an appeal for substituting another possible view of the evidence unless the conclusion is shown to suffer from a legally recognized infirmity.

**66.** His next submission is that the petitioners have also failed to demonstrate that the impugned order has resulted in any irreversible prejudice to their substantive rights. The registration directed by the impugned order does not foreclose their right to establish, before the competent Civil Court, any legally sustainable claim concerning title, validity, enforceability or other consequences arising from the Agreement to Sell.

**67.** He further submitted that the pendency of the substantive civil proceedings is particularly material because the Civil Court is competent to examine the entire controversy on the basis of pleadings, oral and documentary evidence, examination and cross-examination of witnesses and such other evidence as may be lawfully adduced by the parties. The writ proceedings are not intended to replace such adjudicatory process where the controversy essentially concerns private rights in immovable property.

**68.** He submitted that respondent Nos.4 & 5 have themselves invoked the jurisdiction of the competent Civil Court by instituting Regular Suit No.646 of 2017 for specific performance of the Agreement to Sell dated 30.04.1989, whereas the petitioners have also instituted proceedings seeking cancellation of the said Agreement. The existence of such proceedings provides an appropriate forum for determination of the substantive rights claimed by the rival parties.

**69.** His submission is that the institution and pendency of Regular Suit No.8 of 2021, seeking permanent injunction in respect of the property in dispute, further demonstrates that the controversy has ramifications extending beyond the limited question dealt with by the registering authorities. Such questions are appropriately capable of determination in the pending civil proceedings and ought not to be conclusively decided in the present writ petition.

**70.** His submission is that the petitioners cannot simultaneously invite adjudication of the validity and enforceability of the Agreement before the Civil Court and seek, in the present proceedings, a finding on the same disputed factual issues by invoking the extraordinary jurisdiction of this Hon'ble Court. Such a course would result in overlapping adjudication and may lead to inconsistent findings on issues which are already pending before the competent Civil Court.

**71.** His submission is that the challenge founded upon alleged violation of natural justice is also untenable in the facts of the present case. The record indicates that the parties were afforded opportunity in the statutory proceedings and that evidence was brought on record. The petitioners had the opportunity to contest the evidence and place their own material before the authority. The mere fact that the authority ultimately accepted the case of respondent No.4 cannot be treated as denial of hearing.

**72.** It is also argued that the petitioners' failure to effectively cross-examine the witnesses or otherwise challenge the evidentiary material at the appropriate stage cannot subsequently be converted into a plea that the statutory authority acted in violation of natural justice. The right of hearing does not imply a right to insist upon a conclusion favourable to the party claiming such right.

**73.** It is also submitted that the objection based upon an alleged erroneous reference to a statutory provision, if any, is equally insufficient to invalidate the impugned proceedings in the absence of a demonstrated lack of jurisdiction or substantial prejudice. The legality of an order is to be examined with reference to the jurisdiction actually exercised, the statutory scheme and the substance of the decision and not merely by isolating an incorrect or imperfect citation of a provision.

**74.** He submitted that the petitioners have not established that respondent No.2 lacked statutory authority to entertain and decide the appeal arising out of the order passed by the Sub-Registrar. Once the appellate jurisdiction was validly invoked, the authority was entitled to examine the material relevant to the registration proceedings and pass an appropriate order in accordance with the Registration Act.

**75.** His submission is that the cumulative circumstances on record, including the contemporaneous Agreement to Sell, the evidence regarding payment, the conduct of Late Chhotey Lal in obtaining

permission for sale, the evidence of the marginal witnesses, the handwriting expert's opinion and the subsequent conduct of one of the legal heirs, provide sufficient factual foundation for the conclusion reached by the statutory authority. The petitioners' contrary assertions raise, at best, competing factual claims which require adjudication in the appropriate forum.

**76.** He submitted that the writ petition, therefore, does not disclose any case of patent lack of jurisdiction, failure to exercise jurisdiction, breach of mandatory statutory procedure or such perversity as would justify interference with the impugned appellate order. The petitioners are essentially seeking reconsideration of the factual material and a different conclusion therefrom, which is impermissible within the limited parameters of judicial review in the facts of the present case.

**76.** His submission is that the extraordinary jurisdiction of this Hon'ble Court is discretionary and equitable in nature. The petitioners, having available to them the remedy of adjudication before the competent Civil Court and having already instituted civil proceedings concerning the very transaction and property, cannot seek to use the writ jurisdiction as a substitute for the ordinary civil adjudicatory process.

**77.** It is submitted that the petitioners have failed to establish any legally sustainable ground for interference with the order dated 30.03.2017 passed by the learned District Registrar/Additional District Magistrate (Finance & Revenue), Faizabad in Appeal No.1 of 1990. The said order was passed in exercise of statutory appellate jurisdiction on the basis of material available before the authority and does not warrant interference under Article 226 of the Constitution.

**78.** Learned Additional CSC for respondent Nos.1 to 3 – State also followed the same arguments, as has been advanced by learned counsel for respondent Nos.4 & 5 and submitted that there is no illegality or infirmity in the impugned order and the same is just and valid.

**79.** The application for intervention has been filed by the intervenor on the ground that the subject matter of the writ petition directly affects his rights and interest in the land in question.

**80.** Submission of learned counsel for the intervenor is that the intervening applicant is the registered owner and is in possession of land comprised in Gata No.367 Minjumla, measuring 9 Biswa, situated at Village Pure Husain Khan, Pargana Haveli, Tehsil Sadar, District Ayodhya (formerly Faizabad). The said land was purchased by the applicant from Smt. Nisha Devi through a registered sale deed dated 17.08.1992. Thus, the applicant's title and interest in respect of the aforesaid 9 Biswa land arise from a registered instrument executed much prior to the proceedings which have culminated in the filing of the present writ petition.

**81.** He submitted that after execution of the aforesaid registered sale deed, the applicant has remained in peaceful and continuous possession over the land purchased by him. The revenue records have also recognized the applicant's rights over the said land. It is further submitted that the land in question was declared in favour of the applicant under Section 80 of the U.P. Revenue Code on 03.10.2020. The relevant old and new Khataunis/revenue records have been brought on record by the applicant. The aforesaid documents demonstrate that the applicant has an independent and subsisting right, title and interest in respect of the 9 Biswa land comprised in Gata No. 367 Minjumla.

**82.** He further submitted that the applicant, being under the *bona fide* belief that his title and possession over the aforesaid land were undisputed, commenced construction over the land on 15.01.2022. However, the opposite parties in the aforesaid writ petition obstructed the applicant from carrying out the construction and informed him that a dispute concerning the land was pending before this Hon'ble Court and that an order of status quo had been passed in the matter. It was only thereafter that the applicant approached his counsel and for the first time,

came to know about the pendency of the aforesaid writ petition and the proceedings from which the same had arisen.

**83.** He submitted that the applicant was admittedly not impleaded as a party in the proceedings initiated by opposite party Nos.3 to 5 under the Registration Act in the year 1990 before the Sub-Registrar, Sadar, Faizabad. Even in the subsequent Appeal No.01 of 1990 preferred under Sections 72 and 73 of the Registration Act against the order passed by the Sub-Registrar, the applicant was not arrayed as a party. The appellate proceedings ultimately culminated in the order dated 30.03.2017, which has been challenged before this Hon'ble Court in the present writ petition. The applicant was, thus, not afforded any opportunity to place his independent claim and title before the authorities or before this Hon'ble Court, despite the fact that his land forms part of the same Gata number.

**84.** He submitted that the registered sale deed dated 17.08.1992, under which the applicant acquired his rights in respect of 9 Biswa land, has never been challenged, cancelled or declared void by any competent court of law. Consequently, so long as the said registered sale deed continues to remain valid and operative, the applicant's title and interest flowing therefrom cannot be adversely affected behind his back in proceedings to which he was never made a party.

**85.** His submission is that the dispute involved in the writ petition, therefore, cannot be effectively adjudicated without considering the applicant's independent right, title and interest over the aforesaid 9 Biswa land. Any order passed in the writ petition concerning the entirety of Gata No. 367 Minjumla, without hearing the applicant, is likely to directly prejudice and adversely affect his valuable rights arising out of the registered sale deed dated 17.08.1992 and the subsequent revenue entries in his favour.

**86.** He submitted that the applicant is not seeking to reopen or enlarge the controversy unnecessarily, but seeks protection of his independent rights over the specific portion of land measuring 9 Biswa which was purchased by him through the registered sale deed dated 17.08.1992. The applicant's limited and specific grievance is that his land ought not to be subjected to the effect of any order passed in the present writ petition without first determining and protecting his independent interest therein.

**87.** He, therefore, submitted that the applicant is a necessary and proper party to the present proceedings, since any adjudication relating to the land comprised in Gata No.367 Minjumla may have a direct bearing upon his proprietary and possessory rights. The principles of natural justice require that no person should be adversely affected by an order passed in proceedings to which he was not a party and in which he was not afforded an opportunity of hearing.

**88.** I have considered the submissions advanced by learned counsel for the parties and perused the material on record.

**89.** While entertaining the writ petition, following interim order was granted on 22.05.2017:

> *"……*
>
> *After hearing learned counsel for the parties and going through the records, as an interim measure, it is provided that till the next date of listing, parties are directed to maintain status quo, as it exits today, in respect of land in dispute. "*

**90.** On perusal of the pleadings, material brought on record and the submissions advanced by learned counsel for the respective parties, this Court finds that the controversy essentially revolves around the validity of the order dated 30.03.2017 passed by the learned District Registrar/Additional District Magistrate (Finance & Revenue), Faizabad in Appeal/Case No.1 of 1990, whereby the appeal preferred against the order dated 24.01.1990 passed by the Sub-Registrar, Sadar, Faizabad was allowed and a direction was issued for registration of the Agreement to

Sell dated 30.04.1989 in accordance with law. The petitioners seek to challenge the said order primarily on the ground that the document was never executed by their father, late Chotey Lal and that the proceedings before the registering authorities suffered from jurisdictional errors, violation of natural justice and improper appreciation of the material available on record.

**91.** The first submission of learned counsel for the petitioners is that the proceedings before the learned District Registrar were not maintainable under Section 72 of the Registration Act, 1908, since the refusal of registration by the Sub-Registrar was allegedly founded upon denial of execution and, consequently, the procedure contemplated under Section 73 of the Act alone could have been invoked. This Court is unable to accept the said submission in the absolute manner in which it has been advanced. The statutory scheme contained in Sections 71 to 75 of the Registration Act has to be examined as a whole and the substance of the proceedings, the order passed by the registering authority and the jurisdiction exercised by the appellate authority have to be considered together.

**92.** It is not in dispute that the document in question was presented for registration and that the Sub-Registrar passed an order dated 24.01.1990 refusing registration. Against the said order, Appeal/Case No.1 of 1990 came to be instituted before the competent authority. The appellate proceedings remained pending for a considerable period and, during their pendency, the parties placed documentary as well as oral material concerning the execution and genuineness of the document before the authority. The appellate authority, after considering the material available before it, ultimately recorded a finding in favour of the respondent in respect of the execution of the document and directed registration in accordance with law.

**93.** Even assuming that there was some defect in the description or reference to the statutory provision under which the proceedings were

initially instituted, such defect by itself would not render the ultimate order void unless the petitioners establish that the authority lacked substantive jurisdiction to entertain the dispute arising from the refusal of registration or that the petitioners suffered substantial prejudice on account of the alleged procedural error. The petitioners have not been able to demonstrate either that the appellate authority was a stranger to the statutory scheme governing refusal of registration or that the proceedings were conducted by an authority wholly lacking jurisdiction.

**94.** The substance of the proceedings is also required to be noticed. The dispute was not merely with regard to an abstract question of title but arose directly out of the refusal of the Sub-Registrar to register a document presented before him. The appellate authority was, therefore, required to examine whether the refusal to register the document was legally sustainable and whether the person claiming under the document was entitled to have the same registered in accordance with the statutory scheme. The mere fact that, in undertaking such examination, the authority was required to consider the circumstances relating to execution of the document would not, by itself, establish that the authority assumed the jurisdiction of a Civil Court.

**95.** The next submission of learned counsel for the petitioners is that the appellate authority could not have recorded any finding regarding execution of the Agreement to Sell dated 30.04.1989, particularly when the petitioners' father had denied execution. There can be no quarrel with the proposition that registration proceedings cannot be converted into a plenary adjudication of complicated questions of title, ownership or ultimate enforceability of an agreement. However, in the facts of the present case, the question of execution of the document was directly relevant to the statutory issue of registration and the authority could not have decided the appeal without examining the material bearing upon such execution.

**96.** The record, as placed before this Court, indicates that the finding of execution recorded by the appellate authority was not based upon the disputed document alone. The material considered by the authority included the testimony of the marginal witnesses, the handwriting expert's opinion and other circumstances relied upon by the contesting respondents. Learned counsel for respondent Nos.4 and 5 has specifically pointed out that the marginal witnesses, namely Sri Jagdamba Prasad Pandey and Sri Ram Jas, supported the execution of the Agreement to Sell and that the handwriting expert, by opinion dated 05.02.2004, also supported the genuineness of the signature attributed to late Chotey Lal.

**97.** This Court, while exercising jurisdiction under Article 226 of the Constitution, is not ordinarily required to undertake a fresh appreciation or re-weighing of evidence as if sitting in appeal over every factual conclusion recorded by a statutory authority. Where a finding is founded upon some relevant material and the conclusion cannot be characterised as one which no reasonable authority could have reached, interference merely because another view may also be possible is not warranted.

**98.** In the present case, the petitioners have not demonstrated that the opinion of the handwriting expert or the evidence of the marginal witnesses was wholly irrelevant or that the appellate authority relied upon material which was legally inadmissible. The petitioners may have a different interpretation of the said evidence and may dispute its probative value, but such disagreement, by itself, does not establish perversity or patent illegality warranting interference under Article 226 of the Constitution.

**99.** Equally significant is the circumstance relied upon by respondent Nos.4 and 5 that there was contemporaneous conduct relating to obtaining permission for sale of the land in question. According to the material placed before the Court, permission for sale was obtained after execution of the Agreement to Sell and the subsequent cancellation of

such permission was relied upon by the petitioners in support of their case. However, cancellation of the permission at a subsequent stage cannot, by itself, conclusively establish that the Agreement to Sell was fabricated from its inception. The evidentiary effect of the said circumstance is a matter to be assessed in conjunction with the other material available on record.

**100.** Likewise, the rival submissions concerning payment of consideration constitute essentially disputed questions of fact. Respondent Nos.4 and 5 have relied upon documentary material relating to payment, including the alleged payment of Rs.40,000/- through cheque and other payments through vouchers, whereas the petitioners dispute receipt of consideration and assert that the amount of Rs.40,000/- had subsequently been returned. This Court cannot, in exercise of writ jurisdiction, conduct a full-fledged trial for determining the truth of these rival factual assertions, particularly when the parties have already invoked the jurisdiction of the competent Civil Court.

**101.** The contention of learned counsel for the petitioners that the absence of a photograph of late Chotey Lal on the document itself establishes that the document was fabricated also cannot be accepted as a conclusive proposition. The evidentiary significance of such circumstance has to be assessed along with the entire evidence and cannot, in isolation, displace the testimony of the witnesses and the expert material considered by the statutory authority.

**102.** The submission concerning the alleged incompetence or interested nature of the witnesses also does not justify interference. The credibility, reliability and evidentiary weight to be attached to a witness are matters ordinarily requiring appreciation of testimony in the context of the entire evidence. The mere fact that a witness was associated with one of the parties does not render his testimony non-existent in law. Its reliability is to be assessed on the basis of the material circumstances and the other evidence available on record.

**103.** The petitioners have further contended that their father had specifically denied execution and that the burden was upon respondent No.4 to establish its entitlement. The said submission, considered in its proper perspective, does not assist the petitioners in the present writ proceedings. The appellate authority did not proceed merely on the basis of a presumption arising from the existence of the document; rather, it considered the evidence which, according to the authority, supported execution. Whether such evidence ultimately proves execution to the standard required in a civil action is a matter which can appropriately be determined by the competent Civil Court in the pending proceedings.

**104.** The plea of violation of natural justice also does not appear to have substance. The record indicates that the parties participated in the statutory proceedings over a prolonged period, objections were filed, evidence was brought on record and the rival claims were considered. The petitioners have not demonstrated with sufficient specificity what material evidence, which could not otherwise be placed before the authority, was illegally excluded or what particular opportunity essential to the determination of the statutory appeal was denied to them.

**105.** It is settled that principles of natural justice are intended to secure a fair opportunity and not to create an endless procedural process. The right of hearing does not include a right to insist that the authority must accept the version of the party heard. In the present case, the petitioners were admittedly aware of the proceedings and had filed objections, including their detailed objections dated 17.01.2017. The mere fact that the authority ultimately did not accept those objections cannot, by itself, amount to denial of hearing.

**106.** The submission that the appellate authority failed to consider the objections raised by the petitioners also cannot be accepted merely on the basis of the fact that the objections were rejected. An order is not rendered non-speaking merely because every contention raised by a party is not reproduced verbatim. What is required is that the authority

should apply its mind to the material issues arising for determination and arrive at a conclusion on the basis of relevant considerations. On examination of the impugned order in the backdrop of the material referred to by the parties, no such fundamental non-application of mind is established as would warrant exercise of the extraordinary jurisdiction of this Court.

**107.** The argument founded upon the earlier order dated 24.01.1990 passed by the Sub-Registrar also does not advance the case of the petitioners. The said order was precisely the subject matter of Appeal/Case No.1 of 1990. Once a statutory appellate remedy was invoked, the correctness of the order of the Sub-Registrar was open to examination by the competent appellate authority in accordance with the Registration Act. The petitioners cannot treat the order under challenge before the appellate authority as if it had attained an immutable finality independently of the statutory appellate proceedings.

**108.** The challenge to the substitution order dated 12.01.1998 is also of no assistance to the petitioners at this stage. The legal heirs of late Chotey Lal were brought on record by an order passed during the pendency of the statutory proceedings. The petitioners participated thereafter in the proceedings and have not demonstrated that the said order was independently challenged and set aside by any competent forum. A concluded interlocutory order cannot be permitted to be reopened indirectly in a writ petition filed years thereafter against the ultimate appellate order, particularly in the absence of any demonstrated jurisdictional nullity.

**109.** The contention regarding delay in substitution, including the alleged absence of power to condone delay, may perhaps have been available to the petitioners at the appropriate stage of the proceedings. However, the petitioners have failed to demonstrate that the order dated 12.01.1998 was passed by an authority having no jurisdiction whatsoever or that its effect is so fundamentally void that every

subsequent proceeding necessarily stood rendered a nullity. The long participation of the parties thereafter and the subsequent conduct of the proceedings are also relevant circumstances which cannot be ignored.

**110.** Another circumstance which cannot be lost sight of is that the dispute between the parties is not confined to the registration of the document. The rival parties have asserted competing rights concerning the Agreement to Sell and the property covered thereby. Respondent Nos.4 and 5 have instituted Regular Suit No.646 of 2017 for specific performance, while the petitioners have also asserted their rights in civil proceedings. Thus, the questions relating to ultimate validity, enforceability, specific performance, title and consequential rights arising out of the Agreement to Sell remain matters for determination by the competent Civil Court on the basis of the pleadings and evidence led before it.

**111.** In this context, the submission of learned counsel for respondent Nos.4 and 5 that registration of the Agreement to Sell does not by itself amount to adjudication of title or grant of specific performance deserves acceptance. The impugned order is confined to the statutory consequence arising from the registration proceedings. It does not operate as a decree declaring title in favour of respondent No.4, nor does it by itself compel execution of a sale deed or conclusively determine the parties' substantive proprietary rights.

**112.** The existence of civil proceedings is also relevant while examining the scope of interference under Article 226. This Court is not called upon in the present proceedings to decide whether the Agreement to Sell is ultimately enforceable, whether the entire consideration was paid, whether the document was obtained by fraud, whether the alleged repayment took place, whether the petitioners' father voluntarily executed the document or whether the respondents are ultimately entitled to specific performance. These are matters which require appreciation of evidence in accordance with the ordinary civil adjudicatory process.

**113.** The Court is conscious that the petitioners have made serious allegations of fraud, fabrication and misuse of signatures. Such allegations are undoubtedly serious. However, the seriousness of an allegation does not, by itself, convert the writ court into a court of first instance for recording oral evidence, testing the credibility of witnesses and deciding disputed questions of fact. Where the statutory authority has recorded its conclusion on the basis of material placed before it and the substantive rights of the parties are also pending consideration before the Civil Court, interference under Article 226 must be exercised with restraint.

**114.** The submission of learned counsel for the petitioners that the impugned order causes prejudice to their proprietary rights also cannot be accepted as a ground for quashing the order in its entirety. The fact that an administrative or statutory order may have civil consequences does not mean that it is automatically liable to be quashed. The question is whether the order suffers from such jurisdictional error, perversity, violation of mandatory procedure or breach of natural justice as would justify interference. For the reasons noticed hereinabove, no such infirmity has been established.

**115.** So far as the intervenor is concerned, the Court finds substance in the submission that a person claiming an independent title under a registered sale deed dated 17.08.1992 in respect of a portion of Gata No.367 cannot be deprived of his independent rights merely by reason of the present proceedings. The intervenor claims to have acquired 9 Biswa of land from Smt. Nisha Devi through the aforesaid registered sale deed and further relies upon subsequent revenue records and declaration under Section 80 of the U.P. Revenue Code. His claim is independent in character and has not been shown to have been finally annulled by any competent court.

**116.** Consequently, while no finding is required to be recorded in the present writ petition regarding the ultimate validity of the intervenor's

title, it is appropriate to clarify that the dismissal of the writ petition shall not be construed as adjudicating upon or extinguishing any independent right, title or interest of the intervenor in respect of the land claimed by him. Likewise, any question concerning identity, boundaries, area or overlapping of the land comprised in Gata No.367 shall remain open for determination by the competent forum in accordance with law.

**117.** The interim order dated 22.05.2017 directing the parties to maintain status quo was an interim arrangement during the pendency of the writ petition and does not create any independent right in favour of either party. With the dismissal of the writ petition, the said interim order shall stand vacated, subject, however, to any order which may have been passed by the competent Civil Court in the pending civil proceedings or any other competent proceeding concerning the same property.

**118.** On an overall consideration of the matter, this Court is of the considered opinion that the petitioners have essentially sought re-appreciation of the factual material and substitution of the view taken by the statutory appellate authority by another possible view. Such exercise is beyond the normal parameters of judicial review under Article 226 of the Constitution, particularly when the finding of the statutory authority is supported by relevant material and the rival parties have an efficacious forum before the competent Civil Court for determination of their substantive rights.

**119.** It is, therefore, held that the petitioners have failed to establish that the impugned order dated 30.03.2017 suffers from patent lack of jurisdiction, perversity, violation of mandatory statutory procedure or denial of reasonable opportunity of hearing. The objections regarding the statutory provision invoked, execution of the Agreement to Sell, consideration, credibility of witnesses, handwriting and the effect of the subsequent conduct of the parties are matters which, insofar as they concern the ultimate civil rights of the parties, shall remain open for consideration by the competent Civil Court. The impugned order, viewed

within the limited scope of the present writ proceedings, does not call for interference.

**120.** In view of the foregoing discussion and for the reasons recorded hereinabove, the present writ petition is found to be devoid of merit and is liable to be dismissed. Accordingly, the writ petition is hereby **dismissed.** The order dated 30.03.2017 passed by the learned District Registrar/Additional District Magistrate (Finance & Revenue), Faizabad, in Appeal/Case No.1 of 1990, is hereby affirmed.

**121.** It is, however, clarified that the affirmation of the impugned order in the present writ proceedings shall not be construed as a final adjudication by this Court upon the ultimate validity, enforceability or specific performance of the Agreement to Sell dated 30.04.1989, nor upon the final title or proprietary rights of the parties in respect of the land in question. All such questions, to the extent they arise for consideration before the competent Civil Court, shall be decided independently in accordance with law and on the basis of the evidence led before it, uninfluenced by any observation contained in the present judgment.

**122.** Since Regular Suit No.646 of 2017 concerning the Agreement to Sell dated 30.04.1989 is stated to be pending before the competent Civil Court, it is expected that the learned Court concerned shall make all endeavour to conclude the said proceedings expeditiously, preferably within a period of eight months from the date of appearance of the parties and certified copy of this order, subject to cooperation of the parties and the applicable procedural requirements. It is made clear that the said proceedings shall be decided strictly on their own merits and in accordance with law.

**123.** Insofar as the claim of the intervenor relating to Gata No.367 Minjumla, measuring 9 Biswa, is concerned, it is clarified that nothing contained in this judgment shall be construed as adjudicating upon,

extinguishing or adversely affecting any independent right, title or interest claimed by the intervenor under the registered sale deed dated 17.08.1992 or the subsequent revenue records, except to the extent necessarily flowing from the statutory order under challenge. The intervenor shall remain at liberty to establish his independent claim before the competent forum in accordance with law.

**124.** The interim order dated 22.05.2017 shall stand vacated. It is further clarified that this vacation shall not prejudice or override any subsequent order, interim or final, passed by the competent Civil Court or any other competent forum in respect of the property in question.

**125.** There shall be no order as to costs.

**(Irshad Ali,J.)**

**October 16, 2026**
Adarsh K Singh

Digitally signed by :-
ADARSH KUMAR SINGH
High Court of Judicature at Allahabad,
Lucknow Bench