

(2011) 08 AHC CK 0231

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 42820 of 2011

Harish Chandra

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 03-08-2011

Acts Referred:

Citation : (2011) 7 ADJ 162

Hon'ble Judges : Sunil Hali, J; R.K. Agrawal, J

Bench : Division Bench

Judgement

1. The sole contention raised by the learned Counsel for the Petitioner is that even though he had filed his objections before the Tehsildar yet without deciding the same Teshildar has proceeded to recover the amount by way of auction sale. Reliance upon a decision of Apex Court in the case of Seth Banarsi Dass (Dead) by LRs Vs. District Magistrate and Collector, Meerut and others,

2. Heard learned Counsel for the parties.

3. In is not dispute that the Petitioner has made objection before the Tehsildar against the proposed recovery and without deciding the same recovery is being pressed against him. In view of the law laid down in the case of Seth Banasari Dass (dead) by LRs. (supra) we disposed of this petition with the direction of the Tehsildar to first decide the objection of the Petitioner within a period of six weeks from today and thereafter proceed with the recovery of the amount in accordance with law.

4. The writ petition stands disposed of.