



2026:AHC-LKO:10359-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 1119 of 2026

Ashutosh Singh

.....Petitioner(s)

Versus

The State Of U.P. Thru. Prin. Secy. Deptt. Of
Cooperative Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Abhishek Singh, Anuj Kumar Gupta, Shradha
Counsel for Respondent(s)	: C.S.C., Sumit Jaiswal, Sridhar

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard.

2. The petitioner herein is S/o Late Rajendra Singh S/o Late Tribhuwan Singh. Late Rajendra Singh, father of the petitioner, died on 06.02.2022. After his death, a notice has been issued by the Sales Officer, Cooperative, District Lucknow as annexed by the petitioner at Page-12/13. The copy of the notice, which is impugned, is photocopy from the newspaper where it has been published. Copy of the newspaper is also placed on record.

3. Although on the last date, Standing Counsel appearing for the State submitted that the instructions were not very clear, today, based on the same instructions, it is informed that the initial notice was issued to the father of the petitioner when he was alive. We find that the subsequent notice has been issued in 2022 which has been published in the newspapers and it refers to Rajendra Singh as 'LATE' meaning thereby that even after coming to know of the fact that said Rejendra Singh, who was being put to notice for recovery of a loan amount, had died, such notice has been issued. The notice has been published in the name of Sales Officer, Cooperative, District Lucknow, who is posted in the office of Assistant Commissioner and Assistant Registrar, Cooperative, District Lucknow.

4. The said officer, who has got the notice published, is government servant. Whatever amount is to be recovered, assuming that it can be so recovered through the Sales Officer, Cooperative, Lucknow referred herein above, for recovery of the same, a notice has been issued to a 'dead person'. Government officials are expected to know that no such notice could be published against a 'dead person'. The writ petition is maintainable against the impugned action firstly for the reason it is an action referable to Section 91 of the Act, 1965, as informed by Shri Sudeep Seth, learned Senior Counsel appearing for the respondent no. 5 and, secondly the notice has been issued by a government official against a dead person. Even a notice under Section 91 could not have been issued against a dead person.

5. We, therefore, **quash** the notice impugned herein. The writ petition is, accordingly, **allowed**, without prejudice to rights of the respondents concerned to recover the amount from the legal heirs/representatives of its erstwhile member, if there is a cause, as per law. This order shall not come in the way of any proceeding initiated by the petitioner herein, seeking permanent injunction in Suit No.1102/2025.

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

February 10, 2026

MVS/-