
(2002) 07 AHC CK 0069
In the Allahabad High Court
Case No : Special Appeal No. 320 of 2002

Amar Chand Srivastava and Ors.

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 05-07-2002

Acts Referred:

Citation : (2002) 07 AHC CK 0069

Hon'ble Judges : S.K.Sen, CJ and S.S.Kulshrestha, J

Final Decision : Disposed Of

Judgement

1. Heard Sri B.P. Singh Kachhawah, learned Counsel for the appellantspetitioners and Sri Vikram Vijai Singh, learned standing Counsel for the State.

2. This special appeal is directed against the order passed by learned Single Judge whereby learned Single Judge held the writ petition as not maintainable and dismissed the same in limine. Learned Single Judge held that the U.P. Consolidation of Holdings Act is self contained Act and remedy lies against the order by which the appellantspetitioners are aggrieved. It was open to the appellantspetitioners to raise objection in terms of the Act.

3. Contention of the appellant petitioners is that they have already raised objection before the Commissioner. The Commissioner directed his subordinate to take action and to produce the report before him but nothing was done. According to them, as a result thereof, since there was no effective action on their objection, they had to move the writ petition.

4. Sri Ram Vijai Singh, learned Standing Counsel submits that the objection can be enquired into and investigated and thereafter proper decision shall be taken. He suggests that the District Magistrate being the Director of Consolidation at district level can make proper enquiry into the investigation on the basis of such objection. Learned Counsel for the appellant petitioners has no objection to the same.

5. In view of the matter we direct that the District Magistrate being the Director of the Consolidation shall consider the objection of the appellant petitioners by making proper enquiry into the investigation and pass a reasoned order on the same after hearing the writ petitioners and other interested parties within two months. In the meantime statusquo shall be maintained. The order passed in the writ petition is modified to the extent indicated above.

6. With the aforesaid observations this special appeal stands disposed of.

Order modified.