

(2017) 04 AHC CK 0212
In the Allahabad High Court
Case No : 6612 of 2017

Arjun Singh And 7 Others

APPELLANT

Vs

State Of U.P. And 3 Others

RESPONDENT

Date of Decision : 25-04-2017

Acts Referred:

[Uttar Pradesh Panchayat Raj Act, 1947](#), [Section 28-C](#)

Citation : (2017) 04 AHC CK 0212

Hon'ble Judges : Ram Surat Ram (Maurya)

Bench : Single Bench

Advocate : Sanjeev Kumar Pandey, Rohit Nandan Pandey, Manu Singh

Judgement

1. Heard Sri Sanjeev Kumar Pandey for the petitioners, Standing Counsel for State of U.P. and Sri Manu Singh, Standing Counsel for Gram Panchayat.
2. This writ petition has been filed for quashing the order dated 30.3.2015, passed by Additional Collector, cancelling the patta of the petitioner and the order dated 28.9.2016, passed by Additional Commissioner, dismissing the revision of the petitioner against the aforesaid order.
3. It is stated that Land Management Committee passed a resolution for grant of patta to the mother and father of petitioners-1 to 5 on 20.3.1989 and granted patta to petitioners- 6 to 8 on 9.2.1991.
4. Prior to grant of patta, necessary permission from the Collector, as required u/s 28-C of U.P. Panchayat Raj Act has been taken on 23.1.1991. The patta was duly approved by SDO. Proceeding for cancellation of patta was started on 3.3.1992. On the notice being issued to the predecessor of the petitioners as well as the petitioners, they submitted their replies on 10.7.1992. Thereafter, the case remained pending and all of a sudden, the Additional Collector by order dated 30.3.2015 cancelled the patta of the petitioner, only on the ground that the petitioner could not adduce any evidence while they were relative of Pradhan

and the patta has been granted to them. The petitioner filed a revision against the aforesaid order, which has been dismissed by the order dated 28.9.2016. Hence, this writ petition has been filed.

5. I have considered the arguments of counsel for the parties and examined the record. A perusal of the order of Additional Collector dated 30.3.2015 shows that the pattas were cancelled on the ground that there was allegation that Pradhan has granted patta in favour of his wife and family members, without obtaining prior permission of the Collector, as required u/s 28-C of U.P. Panchayat Raj Act. A perusal of the record shows that proceeding for cancellation of patta was initiated on the application dated 3.3.1992 and the order was passed on 30.3.2015. Although, the petitioners have put appearance and filed their objections to the show cause notice, but there is nothing to show that they were given any opportunity of evidence in the matter. In the circumstances, the order appears to have been passed ex parte, without fixing any date for evidence and arguments in the presence of the petitioners.

6. In the result, the writ petition succeeds and is allowed. The order of Additional Collector dated 30.3.2015 and order of Additional Commissioner dated 28.9.2016, are set aside. The matter is remanded to the Additional Collector, who shall give opportunity of evidence to the petitioners and thereafter decide the case afresh, in accordance with law.