
(2013) 11 AHC CK 0050
In the Allahabad High Court
Case No : Writ-B No. 59088 of 2013

Bal Mukund

APPELLANT

Vs

Dy. Director of Consolidation and Others

RESPONDENT

Date of Decision : 07-11-2013

Acts Referred:

Citation : (2013) 121 RD 847 : (2013) 121 RD 656

Hon'ble Judges : Ram Surat Ram (Maurya), J

Bench : Single Bench

Advocate : Pradeep Kumar Bhardwaj, for the Appellant;

Final Decision : Disposed Of

Judgement

Ram Surat Ram (Maurya), J.—Heard Sri Pradeep Kumar Bhardwaj for the petitioner. The writ petition has been filed against the order of Consolidation Officer (CO) dated 2.5.2012 and the order of Deputy Director of Consolidation (DDC) dated 27.5.2013, passed in proceeding u/s 42A of U.P. Consolidation of Holdings Act, 1953 (hereinafter referred to as the "Act").

2. Veer Pal Singh (respondent-3) moved an application that due to mistake, the new plot No. 356 has been recorded in his name, although, new plot No. 355 ought to have been recorded in his name and new plot No. 356 which has been recorded in the name of Veer Pal Singh (respondent-3), ought to have been recorded in the name of Bal Mukund (the petitioner) and Kallu Singh (respondent-4). On his application, the Assistant Consolidation Officer made an inquiry and submitted a report in which, it has been stated that old plot Nos. 310 and 311 were in the shape of abadi and were not included in the consolidation area.

3. House of Kallu Singh and Bal Mukund Singh was situated on plot No. 310 and house of Naipal Singh, Hem Singh and Atar Singh (all sons of Prabhu Singh), was situated in the western side of plot No. 311. Veer Pal Singh (respondent-3) was in possession of the eastern part of plot No. 311. New plot No. 355 has been

carved out from plot No. 310 and new plot No. 356 has been carved out from plot No. 311. However, while preparing CH Form 45, the plot numbers have been exchanged. Relying upon the aforesaid report, the CO by order dated 2.5.2012, allowed the correction application of Veer Pal Singh (respondent-3). The order was challenged by the petitioner in revision, i.e. Revision No. 493/124, which has been dismissed by DDC by order dated 27.5.2013.

4. The Counsel for the petitioner submits that due to the impugned order of CO, the area of the petitioner has been reduced from 0.760 hectare to 0.510 hectare. The order of CO has been passed without giving any opportunity of hearing to the petitioner. Accordingly, the order was liable to be recalled and the petitioner was entitled for opportunity of hearing, but the DDC has dismissed the revision filed by the petitioner.

5. I have considered the arguments of Counsel for the parties and examined the record.

6. A perusal of the order dated 2.5.2012 shows that the CO has directed for recording plot No. 356 (area 0.760 hectare) in khata No. 25, which is in the name of Bai Mukund (the petitioner) and Kallu Singh (respondent-4) and plot No. 355 (area 0.510 hectare) has been directed to be recorded in khata No. 146, which is in the name of Veer Pal Singh (respondent-3). The apprehension of the petitioner that area of his plot has been reduced, appears to be incorrect, as after the order of CO dated 2.5.2012, new plot No. 356 (area 0.760 hectare), will be recorded in khata No. 25 of the petitioner and new plot No. 355 (area 0.510 hectare) will be recorded in khata No. 146 of respondent-3. Accordingly, the order of CO is clear and does not cause any prejudice to the petitioner, either on the spot, or in the paper. Subject to the aforesaid observations, the writ petition is disposed of.