
(2007) 03 AHC CK 0099
In the Allahabad High Court

Balak Nath and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 09-03-2007

Acts Referred:

Citation : (2007) 4 ADJ 634 : (2007) 78 AWC 2444 : (2007) 3 AWC 2444 :
(2007) 102 RD 663

Hon'ble Judges : S.U. Khan, J

Bench : Single Bench

Judgement

S.U. Khan, J.—Heard Sri Anil Kumar Singh, learned Counsel for the petitioners, Sri Siddharth Verma, learned Counsel for private respondents and learned standing counsel for respondents-State of U.P. and Assistant Collector/Sub Divisional Officer, Mirzapur.

2. These writ petitions are directed against the order dated 19.12.1985 passed by the Prescribed Authority/Sub-Divisional Magistrate, Sadar, Mirzapur in Case No. 12/343/123 under U.P. Imposition of Ceiling on Land Holdings Act. 1960 Village Vijayapur, Tappa 96, pargana Kantit Tahsil and district Mirzapur State v. Mundraj Kunwar (deceased) survived by Panna Bibi and Heera Bibi. Through the said order change of choice of the successors of original tenure-holder was accepted and it was directed that plot No. 167 Ba area 1 Bigha 8 Biswas 14 Biswansis and plot No. 169 area 15 Bigha 19 Biswas 17 Biswansis situate in village Lahas initially taken as surplus land should stand released in favour of applicants Shrimati Heera Bibi and Panna Bibi, who are respondents 3 and 4 in these writ petitions and other plots measuring same area, i.e., plot No. 236 area 7 Bighas 11 Biswas and plot No. 244 area 9 Bighas 17 Biswas 4 Biswansis situate in village Rampur should be taken as surplus land.

3. One of the questions to be decided is as to whether choice of surplus land can be changed after the land given in choice has already been taken as surplus land by the State and allotted to different persons u/s 27 of the Ceiling Act. In any case, it was utmost essential to hear the allottees before passing any order in

respect of change of choice. Accordingly, impugned order is set aside. Matter is remanded to the Prescribed Authority to decide the matter again after hearing all the allottees also.

4. Accordingly both the writ petitions are disposed of. Impugned orders are set aside only in respect of that portion of the land, which was allotted to the petitioners. All the parties are directed to appear before the Prescribed Authority concerned alongwith certified copy of this order on 23.4.2007. It is further directed that only the cases of those allottees shall be considered by the Prescribed Authority who appear before it either personally or through counsel.