(2017) 04 AHC CK 0180

In the Allahabad High Court

Case No : 16384 of 2017

Bale Singh & Another APPELLANT

Vs

Additional Commissioner, Meerut & Others RESPONDENT

Date of Decision : 19-04-2017

Acts Referred:

Uttar Pradesh Consolidation of Holdings Act, 1953, Section 27(3)

Citation : (2017) 04 AHC CK 0180

Hon'ble Judges : Ram Surat Ram (Maurya)

Bench : Single Bench

Advocate : Arvind Srivastava, Rakesh Kumar Srivastava

Judgement

1. This writ petition has been filed against the order of SDO dated 14.10.2016 and the order of Additional Commissioner dated 6.3.2017.

2. By the impugned order, it has been held that the Revenue Courts have no jurisdiction to correct the error crept in CH Form 45, prepared during consolidation operation. Section 27(3) of U.P. Consolidation of Holdings Act, 1953 provides as follows: - "27 (3) After the issue of notification under Section 52, the Collector shall, instead of the map, field book and record of rights previously maintained by him, maintain the map, field-book and record of rights prepared in accordance with the provisions of sub-section (1) [and the provisions of the UP Land Revenue Act, 1901, relating to the maintenance and correction of such map, field book and record of rights shall mutatis mutandis apply]."

3. Thus, according to the provisions of Section 27(3), the Collector is not only authorised to maintain the record prepared during consolidation, but he is also authorised to correct any mistake crept in it.

4. This Court in Writ-B.No. 17678 of 2012 (Hari Saran and others v. Prakash Chandra @ Guddu and others) has held as follows: - " 8. Section 27, Sub-Section 3 of UP C.H. Act, 1953 provides as follows:-

"27 (3) After the issue of notification under Section 52, the Collector shall, instead of the map, field-book and record of rights previously maintained by him, maintain the map, field-book and record of rights prepared in accordance with the provisions of sub-section (1) [and the provisions of the UP Land Revenue Act, 1901, relating to the maintenance and correction of such map, field book and record of rights shall mutatis mutandis apply]."

9. Thus the final consolidation record as prepared by the consolidation authorities is required to be maintained and corrected by the revenue court according to the provisions of UP Land Revenue Act. If any forgery or unauthorised entry has been done in the final record prepared during consolidation then certainly it is within the jurisdiction of revenue court to correct it in exercise of powers under Section 33/39 of UP Land Revenue Act, 1901 as held by Division Bench of this Court in Gafoor v. Additional Commissioner and others 1979 RD 76 (DB) and Ali Khan v. Ram Prasad, 1981 RD 77 (DB). "

5. Thus, this Court has held that any mistake crept in the record prepared during consolidation, can be corrected by the Collector, exercising power under U.P. Land Revenue Act, 1901. Correction application of the petitioner has been wrongly rejected.

6. In the result, the writ petition succeeds and is allowed. The order of SDO dated 1.4.2010 and order of Additional Commissioner dated 6.3.2017 are set aside. The matter is remanded to SDO, who shall examine the case on merit and if any mistake is found, then it may be corrected in accordance with law. Petition Allowed.

