

(1982) 08 AHC CK 0059

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 5919 of 1979

Devendrapal Singh

APPELLANT

Vs

Joint Director of Consolidation and Others

RESPONDENT

Date of Decision : 03-08-1982

Acts Referred:

Citation : (1982) AWC 802 : (1983) RD 81

Hon'ble Judges : K.P. Singh, J

Bench : Single Bench

Advocate : S.N. Sahai, for the Appellant;

Final Decision : Allowed

Judgement

K.P. Singh, J.—By means of this writ petition the Petitioner has prayed for quashing the judgment of the revisional court dated 18-7-1979.

2. The main grievance of the learned Counsel for the Petitioner before me is that the revisional court was prejudiced against the Petitioner and has given judgment under bias, hence the judgment of the revisional court should be quashed and the case should be sent back to the revisional court for examining the claims of the parties in a fair manner.

3. The learned Counsel for the contesting opposite parties has submitted in reply that though the revisional court has made observations unwarranted, yet the revisional court has allotted chak in such a fashion whereby justice has been done between the parties and its judgment should not be quashed.

4. I have considered the contentions raised on behalf of the parties. It is noteworthy that both the parties had preferred revision petitions. The revisional court through the impugned judgment has dismissed the revision petition filed by the Petitioner and has allowed the revision petition filed by the contesting opposite party Hardam Singh. In this connection It is proper to mention that observation made by the revisional court in the impugned judgment:

....Mein Yah Janta Hun Ki Sri Devendra Pal Singh Baasar Va Unchi Pahunch Ke Admi Hain. Aur Woh Bahari Prabhav Daink Dalvane Men Rhi Saksham Honge Par Nyay Ki Drishti Se Mujhko Hardam Ke Prati Kiye Gaye Vyavahar Se Atyanta Kasht Huwa....

5. Emphasizing the above observations of the revisional court, the learned Counsel for the Petitioner has contended that the revisional court has not applied its fair mind to the claims of the parties and has proceeded to decide the revision petition in a biased manner" against the Petitioner hence its judgment should be quashed. My attention has been drawn to the ruling of their Lordships of the Supreme Court reported in The Andhra Pradesh State Road Transport Corporation, Hyderabad and Another Vs. Sri Satyanarayana Transports (Private) Ltd., Guntur and Others, . Vide paragraph 10 of the aforesaid ruling it has been observed as below:

...It is hardly necessary to emphasise that the elementary rule of natural justice that a person trying a cause, though in a quasi-judicial proceedings, should not suffer from a personal bias is of such great significance that its application cannot be controlled by the considerations which are confined to Ramakotaiah and would have no relevance in regard to the complaints raised by the Respondents in challenging the validity of the impugned order ...

6. It is well known that justice is not only to be done but it should also seem to have been done. In the present case on the observations of the revisional court a litigant has fair objection that the presiding officer was a little biased against him. The learned Counsel for the contesting opposite party has emphasized that by the impugned judgment substantial justice has been done and the opposite party has got chak only over his original plots, hence the Petitioner cannot make any legitimate grievance and the Petitioner has utterly failed to prove his claim with regard to plot No. 609. Under the Consolidation Act it is not necessary that a tenure holder must get his original plots and if for some reason the Petitioner wanted a plot of the contesting opposite party, his claim should have been decided in a balanced manner giving cogent reasons and not in the fashion in which the revisional court has dealt with the claims of the parties. In my opinion, the impugned judgment deserves to be quashed.

7. In the result, the writ petition succeeds and the impugned judgment of the revisional court dated 18-7-1979 is hereby quashed and a direction is made that the revision petition should be decided by some presiding officer other than the officer who has dealt with the claims of the parties in, the impugned judgment. Parties are directed to bear their own costs.