
(1984) 07 AHC CK 0022
In the Allahabad High Court
Case No : Writ Petition No. 542 of 1980

Dirvijai Singh

APPELLANT

Vs

State of U.P.& Others

RESPONDENT

Date of Decision : 11-07-1984

Acts Referred:

Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 — Section 11(2)

Citation : (1984) 07 AHC CK 0022

Hon'ble Judges : U.C.Srivastava, J

Final Decision : Allowed

Judgement

U.C. Srivastava, J.—The order passed by the District Judge dismissing the appeal filed by the Petitioner against the order of the prescribed authority rejecting his objection u/s 11(2) of the U. P. Imposition of Ceiling on Land Holdings Act is the subject matter of challenge in this petition. It seems that the holding in respect of which 1/3rd share has been claimed was recorded in the name of Baldeo Singh. A notice was issued to Baldeo Singh who filed his objection but the prescribed authority declared 12.11.13 bighas of Land as surplus. Appeal filed against it was also dismissed. The matter was agitated upto the stage of High Court in writ petition which was also dismissed and mutation was ordered and notification u/s 14 of the Act was made on 28.15.78.

2. The petitioner Dirvijai Singh again filed objection u/s 11 (2) of the Act stating that he has got 1/3rd share. The prescribed authority rejected it on the ground that the matter had been agitated upto the stage of High Court and as such the objection was not entertainable. Appeal against the same was also dismissed by the District Judge, hence this writ petition.

3. I have heard the learned counsel for the parties. Under the Act the third party has a right to file the objection u/s 11(2) of the Act. The petitioner being a third party could file the objection. Only the question of delay was required to be considered. The objection could not be rejected merely because the matter was contested by the recorded tenureholder upto High Court. That will not put to an

end to the right of a third party. The view taken by the prescribed authority and the District Judge is manifestly erroneous and cannot be sustained.

4. Consequently, the writ petition is allowed and the orders passed by the prescribed authority and the District Judge, annexure 5 dated 30.12.78, and 7 dated 5.2.80 respectively, are quashed. The prescribed authority is directed to restore back the petition/objection to its original number and consider the question of delay and proceed to decide the matter on merits. There will be no order as to costs.

(Petition allowed)