
(2011) 02 AHC CK 0017

In the Allahabad High Court

Case No : Writ Petition (Consolidation) No. 81 of 2011

Gaya Lal

APPELLANT

Vs

Joint Director, Consolidation and Others

RESPONDENT

Date of Decision : 03-02-2011

Acts Referred:

Citation : (2011) 113 RD 517

Hon'ble Judges : Shabihul Hasnain, J

Bench : Single Bench

Judgement

Shabihul Hasnain, J.—Heard Sri Kuldeep Singh, learned Counsel for the Petitioner and learned Standing Counsel for the State-opposite party Nos. 1 and 2.

2. For the reasons to be recorded in the order, notices to private opposite parties are dispensed with.

3. Petitioner's application for transfer of his case has been rejected by the Joint Director of Consolidation vide his order dated 11.1.2011. The Petitioner says that he has moved an application for transfer because the Settlement Officer has failed to issue fresh notices to the opposite party Nos. 2 and 3.

4. The Petitioner has not been able to persuade this Court that the order passed by the Joint Director is bad. Prima facie no case has been made out by the Petitioner. The ground taken in the application for transfer have not been substantiated at all. If on the basis of unsubstantiated charges, every case is transferred from officers, it will have demoralizing effect on the presiding officers in general. The application has been rightly rejected by the Joint Director of Consolidation.

5. Learned Counsel for the Petitioner says that the apprehension which has crept in the mind of the litigant is difficult to be erased. It may be instinctive and not on the basis of facts yet a villager who does not have scientific temper and an analytical approach, is susceptible to be swayed by the general atmosphere of

corruption which is unfortunately prevailing in the country. Over-reacting media has lent credence to the effect that at every level of the government things are being manipulated and they are capable of being manipulated.

6. Without accepting the allegations levelled against the Settlement Officer of Consolidation and without condemning or rejecting the order passed by the Joint Director of Consolidation, the Court feels that, that in the larger interest of justice because, it should not only be done, it should also appear to have been done, as a rare case, the Joint Director of Consolidation is directed to give it a fresh thought and transfer the matter to some other Settlement Officer within his jurisdiction.

7. It is made clear that in case the Petitioner or the other opposite parties try to delay the proceedings in any manner, the Settlement Officer who has to decide this matter, shall be at complete liberty to proceed in accordance with law without being influenced by this transfer or the observations of this Court. This will also be done in the interest of justice.

8. With these observations, the petition is disposed of finally.

9. The copy of this order may be given to the Petitioner today as the matter is listed tomorrow.