
(2008) 01 AHC CK 0021
In the Allahabad High Court
Case No : C.M.W.P. No. 878 of 2008

Gram Sabha

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 07-01-2008

Acts Referred:

Uttar Pradesh Land Revenue Act, 1901 — Section 33, 39

Citation : (2008) 6 AWC 5971

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : V.K. Singh, for the Appellant; Neeraj Tripathi, Neeraj Tiwari, Mahesh Narain Singh and S.C., for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Tiwari, J.—Heard learned Counsel for the parties and perused the record.

2. The Petitioner Gram Sabha through its Pradhan has challenged the validity and correctness of the impugned order dated 7.11.2007, passed by the Registrar, Chhatrpati Shahu Ji Maharaj University, Kanpur.

3. The brief facts of the case are that in village Arhauili consolidation proceedings were completed in the year 1964 and besides plot Nos. 160 and 161 several other plots of Gram Sabha were reserved and earmarked for a school. Initially a Junior High School was started in the aforesaid plots and on the basis of a resolution plot No. 248 of khata No. 338 was given on lease (patta) to the school and the name of the school was mutated vide order dated 28.7.1970. Later on the Junior High School was upgraded to the Intermediate College by a society formed by certain interested persons who even invested certain amount for the up-gradation of the Junior High School to Intermediate College.

4. The grievance of the Petitioner is that certain persons belonging to other district tried to interfere in the management of the Intermediate College for upgrading it to a Degree College.

5. It appears that the Manager of the Intermediate College Sri Gyan Singh sold some of the property of the college for the purposes of constructing a degree college vide registered sale deed dated 4.9.2002 in connivance with the officials concerned. Thereafter the name of the degree college, i.e., Sri Bachchu Ram Singh Ram Swaroop Singh Mahavidyalaya Ayurveda Shiksha Snatak Mahavidyalaya, Arhauili, district Fatehpur (Respondent No. 5) was mutated.

6. It is further averred that when the Petitioner came to know about the intentions of the persons interested in grabbing the land of the Gram Sabha, he made complaint to the Tehsildar, Khaga who alongwith the report of the Additional District Government Advocate (Revenue) submitted his report to the Sub-Divisional Magistrate, Khaga. Proceedings u/s 33/39 of the U. P. Land Revenue Act were then started against the aforesaid persons. The Sub-Divisional Magistrate, Khaga thereafter cancelled the mutation proceedings in the revenue record and also directed the Additional District Government Advocate (Revenue) to lodge an F.I.R. against the accused persons vide order dated 28.3.2005. Respondent No. 5 filed Revision No. 650 of 2004-2005 against the aforesaid order of the Sub-Divisional Magistrate, Khaga dated 28.3.2005 which was also dismissed vide order dated 29.11.2005 by the Additional Commissioner (Judicial), Allahabad Region, Allahabad.

7. Aggrieved by the aforesaid order of the Additional Commissioner (Judicial) dated 29.11.2005 Respondent No. 5 filed Civil Misc. Writ Petition No. 1671 of 2006, Bachchu Ram Singh Ram Swaroop Singh and Anr. v. Additional Commissioner, challenging the order dated 29.11.2005. The Court passed an interim order dated 28.8.2006 staying the operation of the order dated 28.3.2005, passed by the Registrar of the Respondent-University and the order dated 29.11.2005., passed by the Additional Commissioner (Judicial), Allahabad Region, Allahabad till further orders.

8. An application was again moved by Respondent No. 5 for grant of affiliation to the College at graduate level in Hindi (Literature), English (Literature), Political Science, Sociology, Geography, Ancient History and Sanskrit subjects from the Respondent-University which granted temporary affiliation for a period of three years with effect from 1.7.2003.

9. Thereafter, it appears that the temporary affiliation was not extended to the College by the Registrar of the Respondent-University vide order dated 30.6.2006 and Respondent No. 5 challenged the order of the Registrar of the Respondent-University dated 30.6.2006 by filing Civil Misc. Writ Petition No. 2847 of 2007, Sri Bachchu Ram Singh Ram Swaroop Singh Ayurveda Shiksha Snatak Mahavidyala, Arhauili, district Fatehpur v. Chancellor, Chhatrapati Shahuji Maharaj University, Kanpur and others, which was disposed of vide order dated 24.1.2007 directing the Respondent-University to consider and decide the Petitioner's application dated 29.8.2006.

10. It appears that the Chancellor of the Respondent-University has refused to

accord/extend the affiliation to the college on the ground that the land over which the college is situate is disputed and as it is under litigation it would not be proper to accord/extend the affiliation, hence rejected the application of Respondent No. 5.

11. It is urged by the learned Counsel for the Petitioner that the Registrar of the Respondent-University (Respondent No. 3) sent a report dated 20.2.2007 to the Chancellor of the University specifically stating that the name of the college is entered in the revenue records as Bachchu Ram Singh Ram Swaroop Singh Mahavidyala, Arhauli, Fatehpur for which the affiliation for three years was granted while the writ petition was filed in the name and style of Bachchu Ram Singh Ram Swaroop Singh Ayurveda Shiksha Snatak Mahavidyala, Arhauli, district Fatehpur, as such Respondent Nos. 2 and 3 in the impugned order dated 7.11.2007 have failed to consider the facts and circumstances of the case ignoring the order dated 24.1.2007 passed by the Chancellor of the University due to political reasons.

12. The Brief-holder of Sri V. K. Singh has not urged anything before me despite granting sufficient opportunity and indulgence. He failed to point out any infirmity or illegality in the impugned order. There is further nothing on record to infer that there is any political interference or pressure by any Minister with the connivance of the members of the society and Manager of the College.

13. In my opinion, however, even though the name of the college recorded in the revenue records might differ from that which is given in the writ petition aforesaid, yet it is not a disputed fact that the Degree College has been established on the disputed land and as such there appears no illegality in the impugned order dated 7.11.2007 as far as withdrawal of affiliation is concerned. However, Respondent Nos. 2 and 3 ought to have also considered the adverse effect of withdrawal of affiliation as the students who had already been admitted by the Degree College during the period the affiliation was valid and ought to have passed some orders to save the academic career of those students from being spoiled.

14. For the reasons stated above, the writ petition is dismissed as none of the grounds in the writ petition have been pressed by the learned Counsel appearing for the Petitioner. However, the Respondents are supposed to consider the aspect of the matter regarding students who had already taken admission in the Degree College before passing of the impugned order dated 7.11.2007 in the light of the observations made above in the judgment.

No order as to costs.