
(1994) 12 AHC CK 0028

In the Allahabad High Court

Case No : Civil Miscellaneous W.P. No. 5417 of 1979 (B)

Harbans

APPELLANT

Vs

Joint Director of Consolidation Meerut and Others

RESPONDENT

Date of Decision : 08-12-1994

Acts Referred:

Uttar Pradesh Consolidation of Holdings Act, 1953 — Section 48

Citation : (1994) 12 AHC CK 0028

Hon'ble Judges : Binod Kumar Roy, J

Final Decision : Disposed Of

Judgement

Binod Kumar Roy, J.—The petitioner prays to quash, by filing additional courtfee of Rs. 200 which is being kept on the record, the revisional order, dated 2961976 passed by the Joint Director of Consolidation, Etah, Camp Meerut in Revisions Nos. 266, 269 and 272 (appending its copies as Annexure 5).

2. In view of the short submission of the learned counsel for the petitioner Sri A.K.Yog, I do not consider necessary to narrate the facts in detail. The relevant facts are in a narrow compass. The petitioner was Chakdar No. 363, Respondent No. 2 was Chakdar No. 94 and Respondent No. 3 was Chakdar No. 181. The petitioner had filed Revision No. 266, Respondent No. 2 has filed Revision No. 272 and Respondent No. 3 had filed Revision No. 269. The revisional authority, vide the impugned order, had dismissed the revision application of the petitioner, whereas allowed those of Respondents Nos. 2 and 3. The submission of Mr. Yog is that the revisional authority has committed a manifest error in rejecting the prayer of the petitioner while observing that plots Nos. 1062, 1091 and 1129 belonged to the petitioner where as they belonged to Harbans, son of Nathwa and this fact stands admitted in paragraph 2 of the supplementary counter affidavit filed today by the respondents.

3. Sri D. N. Tyagi, learned counsel appearing on behalf of respondents, on the other hand, contended as follows :

"It is true that there has been a misstatement by the revisional authority but since the petitioner is chakdar of a large area of lands who has been allotted a single chak on his original holding bearing plots Nos. 767 and 768 who is also having his private source of irrigation and was also allotted land in his chak near" abadi whereas the respondents are small farmers no interference is required by this Courts."

4. In my view justice requires remittance of the matter as the revisional authority has assumed as incorrect fact while rejecting the prayer of the petitioner.

5. For the reasons aforementioned this writ petition is allowed in part, the impugned order in relation to Revision No. 266, 269 and 272 only is set aside and the Respondent No. 1 is directed to hear and dispose of the aforementioned revision in accordance with law.

6. In the peculiar facts and circumstances I make no order as to costs.

7. Before I part it is clarified that order shall not be interpreted to mean that this Court has accepted and/or rejected the claim of one or the other party and it will be for the revisional authority, who will be fully entitled to decide the questions on facts and law both.

8. Let a writ of certiorari issue accordingly.