
(1981) 01 AHC CK 0026

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 4483 of 1980

Jadonath Singh

APPELLANT

Vs

Jaswant Singh and Others

RESPONDENT

Date of Decision : 07-01-1981

Acts Referred:

Uttar Pradesh Consolidation of Holdings Act, 1953 — Section 48

Citation : (1981) AWC 355

Hon'ble Judges : A.N. Varma, J

Bench : Single Bench

Advocate : B.D. Mandhyan and S.M. Dayal, for the Appellant; B.N.L. Katiyar and S.C., for the Respondent

Final Decision : Dismissed

Judgement

A.N. Varma, J.—This petition is directed against an order dated 23-5-1980 passed by the Deputy Director of Consolidation recalling an earlier order dated 3-11-79 by which he had disposed of a revision u/s 48 of the U.P. Consolidation of Holdings Act.

2. These are the facts:

An order was passed by the Settlement Officer (Consolidation) on 6-11-1968 in a matter relating to allotment of chaks. More than ten years later a revision was filed by the Petitioner against that order before the Deputy Director of Consolidation u/s 48 of the said Act. The said revision was allowed by an order dated 3-11-1979 whereby certain changes were directed to be made in the chak allotted to the Respondent No. 1. Subsequently, the Respondent No. 1 made an application before the Deputy Director of Consolidation with a complaint that he had received no notice of the revision filed by the Petitioner. That application was opposed by the Petitioner, but was allowed by the impugned order. The Deputy Director of Consolidation while allowing that application for setting aside of the ex-parte order held that the Respondent No. 1 had not been served with the

notice of revision and that the report regarding the service of notice was completely wrong and fictitious.

3. learned Counsel contends that there is no power of review under the U.P. Consolidation of Holdings Act. Nor is there any power of review even under the inherent powers of the Tribunal exercising powers u/s 48 of the said Act. The argument is clearly misconceived. While, it is true that there is no power of review in the Act, it is indisputable that the Deputy Director of Consolidation has power to recall his order under the U.P. Consolidation of Holdings Act by virtue of the application of Chapters IX and X of the Land Revenue Act to the proceedings under the U.P. Consolidation of Holdings Act where it is shown that the order was passed without notice to the affected parties. Apart from these provisions, the Deputy Director of Consolidation, like any other Tribunal, has inherent powers to recall -an order which is passed without notice to the affected parties. The Deputy Director of Consolidation has not reviewed his previous order. He has only recalled the previous order upon a finding that the affected party had not been served with the notice of the revision filed by the Petitioner. This is quite different from reviewing an order on Merits, There is no substance in the arguments advanced by the learned Counsel for the Petitioner.

4. In the result, the petition fails and is hereby dismissed. There will be no order as to costs.