
(1956) 10 AHC CK 0023
In the Allahabad High Court
Case No : Misc. Writ No. 1580 of 1956

Jaipal

APPELLANT

Vs

Board of Revenue and Others

RESPONDENT

Date of Decision : 17-10-1956

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1957 All 205

Hon'ble Judges : Mootham, C.J;M.L. Chaturvedi, J

Bench : Division Bench

Advocate : B.L. Gour, for the Appellant; Standing Counsel, for the Respondent

Final Decision : Dismissed

Judgement

Mootham, C.J.—This is a petition under Article 226 of the Constitution challenging the validity of an order of the Board of Revenue dated the 17th-18th July 1956.

2. The facts are these. On the 3rd of January 1955 the second respondent made an application u/s 34 of the United Provinces Land Revenue Act to the Tahsildar of Koil, in the District of Aligarh, that her name be entered in the annual register maintained under that Act as being in possession of a particular holding as the successor of one Smt. Dewalia deceased.

The application was opposed by the petitioner who claimed to be the true owner, but an order was made by the Tahsildar directing that mutation of names be effected as asked for by the second respondent. That order was however set aside by the Commissioner on appeal by the petitioner. The second respondent then filed an application in revision before the Board of Revenue; and the Board by the order which is now being challenged allowed the application, set aside the order of the Additional Commissioner and restored that of the Tahsildar.

3. The contention of learned counsel for the petitioner is that the Board of Revenue in passing this order exceeded its jurisdiction, it has however been the

consistent practice of this Court not to interfere with orders made by the Board of Revenue in cases in which the only question at issue is whether the name of the petitioner should be entered in the record of rights.

That record is primarily maintained for revenue purposes and an entry therein has reference only to possession. Such an entry does not ordinarily confer upon the person in whose favour it is made any title to the property in question, and his right to establish his title thereto is expressly reserved by Section 40 (3) of the Act.

The only exception to this general rule is in those cases in which the entry itself confers a title on the petitioner by virtue of the provisions of the U. P. Zamindari Abolition and Land Reforms Act. This petition does not fall in that class and we think therefore this Court should not entertain it. It is accordingly dismissed with costs.