

**(2015) 05 AHC CK 0250**  
**In the Allahabad High Court**  
**Case No : Writ B. No. 25649 of 2015**

Jasram

APPELLANT

Vs

State of Uttar Pradesh and Others

RESPONDENT

**Date of Decision :** 05-05-2015

**Acts Referred:**

Uttar Pradesh Consolidation of Holdings Act, 1953 — Section 19

**Citation :** (2015) 128 RD 653

**Hon'ble Judges :** Ram Surat Ram (Maurya), J

**Bench :** Single Bench

**Advocate :** Amit Krishan, for the Appellant; Karuna Srivastava and Santosh Srivastava, Advocates for the Respondent

**Final Decision :** Dismissed

## Judgement

Ram Surat Ram (Maurya), J—Heard Sri Amit Krishan, learned Counsel for the petitioner and Sri Santosh Srivastava, learned Counsel for the respondents. This writ petition has been filed against the orders of the Consolidation Officer dated 22.5.2013, Settlement Officer, dated 27.11.2013/29.8.2014, and Deputy Director of Consolidation dated 17.3.2015, passed in chak settlement proceedings under U.P. Consolidation of Holdings Act.

2. The petitioner was proposed two chaks, first chak was proposed on plot No. 48 of the area 1.9885 hectare and second chak was proposed on plot No. 1489 etc., of the area 1.2053 hectare. The chak of the petitioner was modified by the Consolidation Officer and the Consolidation Officer had proposed three chaks to the petitioner. First chak was proposed on plot No. 48 of the area of 1.565 hectare and second chak was proposed on plot No. 1489 etc., of the area 1.2053 hectare and third chak was proposed on plot No. 1258 etc., of the area 0.4923 hectare. The petitioner filed an appeal against the order of Consolidation Officer before the Settlement Officer Consolidation. The Settlement Officer Consolidation consolidated the appeals of the petitioner along with other chak appeals of the village by means of order dated 27.11.2013, decided the chak appeals of the

village, thereafter some application has been filed for recall of the order dated 27.11.2013, and the Settlement Officer Consolidation after recalling the order passed a fresh order dated 29.8.2014, deciding the appeals. In this order, the Settlement Officer Consolidation has reduced the area of chak of the petitioner from plot No. 1489 etc., and in lieu of it, he enhanced the chak of the petitioner on plot No. 48 and some valuation has been given on plot No. 1237 etc. It is alleged that plot No. 1486, is a land, which situate on the bank of the river. The petitioner challenged the aforesaid order in revision. The two revisions filed by the petitioner were consolidated and decided by the Deputy Director of Consolidation by order dated 22.4.2014, and Deputy Director of Consolidation dismissed the revisions of the petitioner. Thereafter, the petitioner filed an application for recall of the order and after recall, the matter was again heard by Deputy Director of Consolidation, who by order dated 17.3.2015, partly allowed the revisions and again modified the chak of the petitioner, due to which, the Deputy Director of Consolidation has taken some area from the first chak of the petitioner on plot No. 48 in order to adjust Pumping set of the petitioner in his chak and allotted the area of 0.240 hectare in plot No. 48 in his chak. The other chak of the petitioner has also been modified, hence this writ petition has been filed.

3. Counsel for the petitioner submits that the petitioner had raised specific ground in the revision that his first chak on plot No. 48 was on his original holding, where he was having his private source of irrigation as well as there was also a devasthan. It has been further stated in the memorandum of revisions that plot Nos. 1485 and 1486 etc., are unirrigated land. It has been also alleged that his chak on plot No. 1486 was a udan chak, but the grounds raised by the petitioner has not been considered in this respect and it has been specifically stated by the petitioner that the other co-sharer of the petitioner namely Amar Singh, S/o Nain Singh, Naresh Singh and Pawan Singh, sons of Karn Singh together was having 1/3rd share in plot No. 48, has relinquished their shares in favour of the petitioner. As such petitioner was entitled for allotment of more area in plot No. 48, as he was having private source of irrigation, but the Deputy Director of Consolidation has not examined the grievance of the petitioner and dismissed the revisions.

4. I have considered the arguments of the Counsel for the petitioner and examined the record.

5. So far as the chak of the petitioner on plot No. 48 is concerned, at present, the petitioner has been allotted an area of 1.5659 hectare. The area of the chak of the first chak of the petitioner had been further enhanced by the order of the Settlement Officer Consolidation. Before the Deputy Director of Consolidation, the grievance of the petitioner was that his pumping set is not falling in his chak and that grievance has been specifically considered by the Deputy Director of Consolidation and he has adjusted the portion of the Pumping Set of the petitioner lying in Plot No. 48 in his chak. Thus, the grievance of the petitioner

for allotment of Pumping Set in his chak has been fully considered.

6. So far as the contention of the petitioner that plot No. 1486 was a udan chak is concerned, a perusal of C.H. Form 23 of the petitioner shows that plot No. 1484 and plot No. 1486 etc., were the original holdings of the petitioner, in which the petitioner was having 1/6th share. Since the land in this plot situates on the bank of the river, as such in order to adjust equity between the co-sharers, all the co-sharers were given chak on this plot and in this way, file chak has been allotted to the petitioner of the area of about 1 hectare. Thus, the equity had been adjusted between the parties. So far as the allegation that three chaks had been allotted to the petitioners, according to the provisions of section 19 of U.P. Consolidation of Holdings Act, the allotment proceedings cannot be invalidated on the ground of numbers of chak.

7. In such circumstances, no interference is required by this Court.

8. The writ petition has no merit. It is, accordingly, dismissed.