

(2014) 12 AHC CK 0166
In the Allahabad High Court
Case No : Writ B No. 64615 of 2014

Jitendra and Others

APPELLANT

Vs

Dy. Director of Consolidation, Varanasi and Others

RESPONDENT

Date of Decision : 19-12-2014

Acts Referred:

Uttar Pradesh Consolidation of Holdings Act, 1953 — Section 12

Citation : (2015) 126 RD 675

Hon'ble Judges : Anjani Kumar Mishra, J

Bench : Single Bench

Advocate : Sanjay Kumar Srivastava and Ruchir Srivastava, Advocates for the Appellant; M.N. Singh, Advocates for the Respondent

Judgement

Anjani Kumar Mishra, J.—The instant writ petition came for admission on 1.12.2014, when an adjournment was sought whereupon the matter was directed to be put up after lunch to enable the learned Counsel for the petitioner to make his submissions. Again, when the matter was taken up after lunch, a mention was made that the Counsel for the petitioner is ill.

2. Under the circumstances, the order was reserved while granting liberty to the learned Counsel for the petitioner to submit his written arguments by the next day.

3. Learned Counsel for the petitioner has failed to submit the written arguments despite time having been granted to the same.

4. The writ petition arises out of objections filed under section 12 of the U.P. Consolidation of Holdings Act. It appears that several objections were decided by a common order.

5. The claim of the petitioners' father was that he was a sole heir of the recorded tenure-holders, namely Lalta, Ram Khelawan, Shiv Narayan, Ram Narayan and Kunta. Another objection was filed by the contesting respondent No. 8 claiming on the basis of a sale-deeds said to have been executed by Kunta Devi as

regards to chak No. 56 and by Ram Narayan as regard chak No. 507.

6. The Consolidation Officer by his order dated 22.11.2010 determined his share of the parties.

7. The objection filed by the petitioners' father, was rejected while the objection filed by the respondent No. 8 claiming on the basis of sale-deeds, was allowed. The order of the Consolidation Officer was affirmed by the Settlement Officer, Consolidation by his order dated 12.7.2011 which in-turn has been affirmed by the Revisional Court vide order dated 7.11.2014 passed in Revision No. 971 of 2011 filed by the petitioners.

8. The primary ground of challenge in the appeal as also the revision filed by the petitioners was that they had filed an application to quash the written statement dated 19.2.1999 and 3.6.2000. This application remained undecided by the Consolidation Officer while pronouncing the final judgment. It is further the case of the petitioners that no proper opportunity had granted to them to adduce evidence.

9. The Settlement Officer, Consolidation and the Deputy Director of Consolidation, both have recorded that the Consolidation Officer framed issues and afforded opportunity to the parties to adduce evidence and the order was passed after hearing the parties which was a legal order and called for no interference. The Deputy Director of Consolidation has further recorded that the application filed by the petitioners was for quashing the written statements filed on 19.2.1999 and 3.6.2000. In addition to these two documents, a compromise dated 24.4.1991 was also available on record and by these three documents all the sale deeds and wills in issue in the objections were accepted by the petitioners (revisionists) before the Consolidation Officer. The petitioners had challenged only the written statements but no plea was raised against the compromise dated 24.4.1991. The DDC has, therefore, dismissed the revision.

10. This finding returned by the Deputy Director of Consolidation has not been specifically assailed in the writ petition. The writ petition contains only vague grounds namely, that the evidence of the parties had not been closed and yet the Consolidation Officer pronounced final judgment. In the various paragraphs of the writ petition, it has been averred that the impugned orders are illegal without jurisdiction and unjust and arbitrary in the facts and circumstances of the case, the orders impugned are unsustainable in law and suffer from manifest error.

11. As already noticed herein above, these averments are general in nature and no specific ground for assailing the impugned order has been taken. In addition, the learned Counsel for the petitioner has failed to file written arguments despite time having been granted for the same.

12. It is, therefore, not clear as to what is the specific ground of challenge in the writ petition.

13. In view of the specific finding returned by the Courts below that the orders

have been passed after framing necessary issues and after affording opportunity of hearing to the parties and after hearing them and also because the compromise dated 24.4.1991 was not challenged, I find no illegality in the impugned orders. The writ petition lacks merit and is, accordingly dismissed.