
(2011) 04 AHC CK 0116
In the Allahabad High Court
Case No : Writ C. No. 15998 of 2006

Kailash and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 29-04-2011

Acts Referred:

Citation : (2011) 04 AHC CK 0116

Hon'ble Judges : Sudhir Agarwal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sudhir Agarwal, J

1. Newly impleaded Respondents do not propose to file counter affidavit and as agreed by learned Counsel for the parties, the writ petition is being decided finally at this stage under the Rules of the Court.
2. This writ petition is filed by the subsequent allotted in respect to the land of newly impleaded Respondents. The declaration of the land surplus was set aside by this Court vide judgment dated 10th March, 2003 in Writ Petition No. 16730 of 1996 in which Mohammad Sharif was Petitioner No. 11 and Babu Nandan was Petitioner No. 25.
3. Learned Counsel for the Petitioners submitted that aforesaid Respondents had filed an application for cancellation of lease of the land in question allotted to the Petitioners after taking over possession by the State, declaring the same surplus. The said application was rejected therefore the land in question cannot be reverted to Respondents No. 4 and 5.
4. The submission is thoroughly misconceived. The very allotment of the land in question to the Petitioners could have been permissible only if declaration of the land in question surplus under the provisions of U.P. Imposition of Ceiling on Land Holdings Act, 1960 is valid. If the declaration itself becomes nonest, the

land never vest in the State and therefore the question of allotment of land could not have arisen to the Petitioners. Hence, mere rejection of application for cancellation of lease of Respondents No. 4 and 5 have no effect.

5. In my view, no relief can be granted to the Petitioners. The writ petition therefore lacks merit.

6. Dismissed.

7. Interim order, if any, stands vacated.

8. Allowed.

9. Let impleadment be carried out during the course of the day.