

(2006) 02 AHC CK 0148

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 21075 of 2001

Kanpur Development Authority through its Secretary

APPELLANT

Vs

Board of Revenue,U.P.at Allahabad & Ors.

RESPONDENT

Date of Decision : 23-02-2006

Acts Referred:

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 122B, 229B, 331, 341

Citation : (2006) 02 AHC CK 0148

Hon'ble Judges : Janardan Sahai, J

Final Decision : Disposed Of

Judgement

Janardan Sahai, J.—Heard Sri B.B. Paul, learned Counsel for the petitioner and Sri P.K. Rai holding brief of Sri Sankatha Rai, learned Counsel for the respondent No. 4.

2. A suit under Section 229B of the U.P. Zamindari Abolition and Land Reforms Act was filed by the respondent No. 4 Ram Rati against the petitioner. His case is that he is in possession of the property and his name so recorded in the Khasra and Khatuni of 1356F and 1359F and he is also a scheduled caste and is entitled to the benefit of Section 122B (4F) of the U.P. Zamindari Abolition and Land Reforms Act. The suit was decreed by the Trial Court. Appeal against the decree preferred by the respondent No. 4 was dismissed by the Additional Commissioner. Second appeal was preferred by the respondent No. 4 before the Board of Revenue, which has been allowed. It is submitted by Sri B.B. Paul, learned Counsel for the petitioner that substantial questions of law were not framed by the Board of Revenue in the second appeal and the same could not have been allowed. Section 341 of the U.P. Zamindari Abolition and Land Reforms Act makes applicable the provisions of the Civil Procedure Code also to the second appeals in the Board of Revenue. The substantial questions of law have, therefore, also to be framed by the Board of Revenue, which was not done. The writ petition is allowed. The order passed by the Board of Revenue dated 30/12/2001 is set aside. The Board of Revenue shall now decide the appeal afresh

in accordance with law after hearing the Counsel for the parties concerned and shall try to dispose of the appeal expeditiously and if possible within six months from the date a certified copy of this order is filed before it.