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**(2012) 01 AHC CK 0565**  
**In the Allahabad High Court**  
**Case No : Writ B No. 1636 of 2012**

Kuldeep Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 12-01-2012

**Acts Referred:**

**Citation :** (2012) 01 AHC CK 0565

**Hon'ble Judges :** Amreshwar Pratap Sahi, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

Hon"ble Amreshwar Pratap Sahi, J.—Heard Sri. R.S. Shukla, Learned Counsel for the petitioner and Sri. S.K. Sri.vastava, Learned Counsel for the respondent nos. 5 to 9 and the learned Standing Counsel for the respondent nos. 1 to 4.

2. The challenge in this petition is to the order of the Deputy Director of Consolidation dated 30.11.2011 whereby the contesting respondents have been restored over their original holdings on the ground that the petitioner had been given a Udan Chak.

3. Sri. Shukla submits that this finding has been recorded without reversing the finding of the Settlement Officer Consolidation and as a matter of fact, the respondents were not even aggrieved by the order of the Settlement Officer Consolidation as it had been allowed. He, therefore, contends that the revision was absolutely misdirected and the Deputy Director of Consolidation has committed an error by proceeding to reverse the orders. He has also relied on the decision in the case of Fyjauddin and others Vs. Deputy Director of Consolidation and others Bareilly Camp at Badaun and others reported in 2009 (2) RD 398 to contend that the Deputy Director of Consolidation has not acted in consonance with law.

4. I have heard Learned Counsel for the petitioner and it appears that the contesting respondents are undisputedly the original tenure holders of several

plots including plot No. 10. The petitioner has been allotted a chak over plot No. 10. Aggrieved by the allotments against their original holding, the respondents had filed an appeal. The Settlement Officer Consolidation while passing the order did not carry out any effective alteration, as a result whereof, the respondents preferred a revision clearly stating the grounds on which the appellate order deserved to be set aside. In paragraph 4 of the grounds of revision a categorical statement has been made in relation to plot No. 10 coupled with paragraph 6 where it has been alleged that the respondent has been unjustifiably given a Udan Chak over plot No. 10. The Deputy Director of Consolidation after having assessed the material on record has arrived at a finding that the allotment to the petitioner is on the original holdings of the respondents over plot No. 10. Plots nos. 7, 8 and 9 are also the contiguous holdings of the respondents. Accordingly in order to consolidate their holdings, the Deputy Director of Consolidation reversed it and had adjusted the petitioner over plot nos. 3 and 4. This adjustment is evident from the adjustment chart. In such a situation, it cannot be said that any substantial injustice has been caused to the petitioner who had also earlier been given a Udan Chak and has now been accommodated over the land of equal value of plot No. 4.

5. Learned counsel for the petitioner further submits that the land which has now been allotted is affected by waterlogging during rainy season. This is not borne out from the records and, therefore, the contention cannot be accepted.

6. In view of the conclusions drawn hereinabove, there is no merit in the petition.

The writ petition is dismissed.