

(2011) 08 AHC CK 0078
In the Allahabad High Court
Case No : C.M.W.P. No. 48455 of 2011

Land Management Committee

APPELLANT

Vs

State of U. P. and others

RESPONDENT

Date of Decision : 25-08-2011

Acts Referred:

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 122C

Citation : (2011) 6 AWC 5861

Hon'ble Judges : Amreshwar Pratap Sahi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi, J.—Heard learned counsel for the petitioner Sri M. N. Singh and Sri Manish for the respondent No. 4.

2. The Land Management Committee is before this Court questioning the correctness of the order passed by the Additional Collector, Finance and Revenue dated 19th February, 2011 as affirmed in revision by the learned Additional Commissioner on 19th May, 2011, on the ground that the allotment proceedings in favour of the respondent No. 4 were vitiated as the respondent No. 4 was not eligible for being allotted housing site under the provisions of Section 122C of the U. P. Z.A. and L.R. Act, 1950.

3. Several grounds were taken but the plea raised on behalf of the Land Management Committee came to be rejected by the learned Additional Collector on the ground that the proceedings for cancellation have been presented on behalf of the Land Management Committee through a private lawyer who is not empanelled under the provisions of the U. P. Panchayat Raj Act, 1947 read with paragraph 131 of the Gaon Sabha Manual. The complaint was accordingly rejected, and aggrieved the Land Management Committee went up in revision which has also resulted in the affirmation of the said decision on the same ground.

4. Sri Singh submits that the filing of the proceedings was at the most irregular and the same could have been rectified with the appearance of the empanelled lawyer and as such there was no occasion to reject the proceedings in its entirety.

5. Having heard Sri M. N. Singh and learned counsel for the respondent, it is evident that the authorities have placed reliance on a judgment of this Court in the case of Gram Panchayat Vs. State of U.P., Food and Civil Supply, Senior Supply Inspector, Sub Divisional Magistrate and Raghunath Singh, to arrive at the aforesaid conclusion. In the opinion of the Court, there is no error in the said conclusion drawn by the authorities and the same view has been taken by this Court in the case of Jagdish Pandey v. Additional Collector (City) and others. Writ Petition No. 17743 of 1997, decided on 3.8.2011.

6. Accordingly, the writ petition is dismissed with liberty to the Land Management Committee of the Gaon Sabha to proceed in accordance with law and in accordance with the provisions of the Gaon Sabha Manual as indicated hereinabove.