
(1985) 12 AHC CK 0024
In the Allahabad High Court
Case No : Writ Petition No. 6840 of 1985

Mahal Singh and Others

APPELLANT

Vs

Addl.Distt.Magistrate (Ceiling), Lakhimpur Kheri and Another

RESPONDENT

Date of Decision : 18-12-1985

Acts Referred:

Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 — Section 27(4)

Citation : (1985) 12 AHC CK 0024

Hon'ble Judges : U.C.Srivastava, J

Final Decision : Disposed Of

Judgement

U. C. Srivastava J.

1. As a short point is involved in the case and other similar petitions of persons named in the impugned order have "been allowed, this petition is being disposed of finally with the consent of parties who agree that no affidavit is required in the case Admit.

2. This writ petition is directed against the order passed by the Additional District Magistrate (Ceiling) cancelling the pattas granted to the petitioners. It seems that after declaration of land as surplus, pattas were granted to the petitioners. Afterwards a resolution was passed by the Land Management Committee for cancellation of those pattas due to alleged irregularities. The Additional District Magistrate called for a report from die SubDivisional Magistrate and on receipt of the same he cancelled those pattas because he was of the view that the allottees were not carrying on cultivation and rather they had let it out to other persons which was violative of the terms of allotment order. Section 27(4) of the U. P. Imposition of Ceiling on Land Holdings Act empowers the Commissioner to set aside the allotment order in case he is satisfied that the settlement is irregular after notice to the person concerned. The Additional District Magistrate had no jurisdiction in the matter. As such the order passed by the Additional District Magistrate cancelling the allotment orders made in favour of the petitioners is without jurisdiction and cannot be sustained. It is for the Commissioner to deal

with the matter in accordance with law.

3. The writ petition is allowed. The order passed by the Additional District Magistrate dated 2031976 cancelling the patta of the petitioners is quashed. There will be no order as to costs.