

(1981) 01 AHC CK 0068

In the Allahabad High Court

Case No : Civil Miscellaneous Writ No. 976 of 1979

Majid and Others

APPELLANT

Vs

Munafait and Another

RESPONDENT

Date of Decision : 29-01-1981

Acts Referred:

Constitution of India, 1950 — Article 226
Uttar pradesh Land Revenue Act, 1901 — Section 34

Citation : AIR 1981 All 167 : (1981) AWC 185 : (1981) RD 148

Hon'ble Judges : K.P. Singh, J

Bench : Single Bench

Advocate : R.K. Jain, for the Appellant;

Final Decision : Dismissed

Judgement

K.P. Singh, J.—This writ petition is against the judgment of Sri M.C. Sharma, I.A.S. Member, Board of Revenue dated 28-12-1978 and arises out of proceedings under the provisions of U.P. Land Revenue Act.

2. It is well known that no writ petition lies against the order of the Board of Revenue where the only question involved is as to who should be entered in the revenue records.

3. In this connection it is necessary to quote the following observation of a Division Bench of this Court made in 1956 ALJ 807 : (AIR 1957 AH 205) Jaipal v. Board of Revenue, U.P. Allahabad:

".....It has, however, been the consistent practice of this Court not to interfere with orders made by the Board of Revenue in cases in which the only question at issue is whether the name of the petitioner be entered in the record of rights. That record is primarily maintained for revenue purposes and an entry therein has reference only to possession. Such an entry does not ordinarily confer upon the person in whose favour it is made any title to the property in question, and his right to establish his title thereto is expressly reserved by Section 40(3) of

the Act. The only exception to this general rule is in those cases in which the entry itself confers a title on the petitioner by virtue of the provisions of the U.P. Zamindari Abolition and Land Reforms Act. This petition does not fall in that class and we think, therefore, this Court should not entertain it."

4. In the present case also I think that no question of the entry conferring title upon the petitioner is involved, hence the writ petition is not maintainable. The petitioner has an alternative remedy to seek his remedy in regular courts.

5. In this view of the matter the writ petition lacks merit and deserves dismissal. Accordingly, I dismiss the writ petition, but direct the parties to bear their own costs.