
(2013) 05 AHC CK 0091
In the Allahabad High Court
Case No : C.M.W.P. No. 25657 of 2013

Onkar Singh and Another	Vs	APPELLANT
State of U.P. and Others		RESPONDENT

Date of Decision : 07-05-2013

Acts Referred:

Citation : (2013) 121 RD 848

Hon'ble Judges : Ran Vijai Singh, J

Bench : Single Bench

Advocate : Kuldeep Saxena and Vijit Saxena, for the Appellant;

Judgement

Ran Vijai Singh, J.—Heard Sri Vijit Saxena, along with Sri Kuldeep Saxena, learned Counsel for the petitioners and learned Standing Counsel appearing for the State-respondents. Through this writ petition, the petitioners have prayed for issuing a writ of certiorari quashing the notice dated 17.4.2013 issued by the Collector, Meerut u/s 166/167 of the U.P. Zamindari Abolition and Land Reforms Act, 1950.

2. It appears, a lease was granted under the Government Grant Act, 1985 in favour of Mahendari Devi the widow of Pitam for her maintenance. However, later on, it appears, the lease holder has transferred the land. Taking note of the Government Grant Act, 1985, which only creates life-time interest in favour of the lease holder and after death, the automatic reversion of the land to the Government, the Collector has issued the notice dated 17.4.2013.

3. Learned Counsel for the petitioners contends that the lease was not granted under the provision of Government Grant Act, 1985 and it is wrongly noticed by the Collector. He also contends that there are no such conditions mentioned in the lease as has been noticed.

4. Sitting under Article 226 of the Constitution of India, I am not inclined to interfere in this matter. The petitioners, if so advised, may file their reply to the show-cause notice, which is impugned here in the present writ petition, before

the authority concerned where the matter is pending. In case such objection is taken, that may be considered and decided by passing a reasoned speaking order before deciding the matter on merit. With the aforesaid observation/direction, this writ petition is disposed of.