
(2013) 10 AHC CK 0026
In the Allahabad High Court
Case No : Writ-B No. 52841 of 2013

Paramjeet and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 01-10-2013

Acts Referred:

Citation : (2013) 121 RD 553

Hon'ble Judges : Ram Surat Ram (Maurya), J

Bench : Single Bench

Advocate : A.N. Pandey, for the Appellant; Shivanand Mishra, for the Respondent

Judgement

Ram Surat Ram (Maurya), J.—Heard Sri A.N. Pandey, Counsel for the petitioner and Sri Rajesh Kumar holding brief of Sri Shivanand Mishra. The writ petition has been filed against the order of Settlement Officer, Consolidation dated 4.3.2013 and Deputy Director of Consolidation dated 1.7.2013 passed in chak allotment proceedings. During allotment proceedings a chak road was carved out in between plot Nos. 95 and 96. While deciding the chak objections of the village, the Consolidation Officer by the order dated 8.2.2013 has taken the land on plot Nos. 95 and 96 from the chak road and allotted a chak road by the side on plot No. 91 and 92 etc. Due to order of Consolidation Officer, the chak road which was in straightaway, has been turned at plot No. 92.

2. The respondent-5 filed an appeal from the aforesaid order. The Settlement Officer, Consolidation by order dated 4.3.2013 again taken an area of 0.005 hectare of plot No. 95 of the chak road and allotted it by the side of plot No. 90. The petitioner filed a revision from the aforesaid order. In paragraph 5 of the memorandum of revision, it has been stated that due to order of Settlement Officer, Consolidation the chak road at this place has become zigzag and it has become difficult to pass tractor and trolley through it, as such, carving out of chak road at this place has become useless. The revision of the petitioner was heard by Deputy Director of Consolidation, who by order dated 1.7.2013 found that in case chak road is carved out in between plot Nos. 95 and 96 then chak of

respondent-5 would be divided and this chak road would not connect the house of the petitioner as in between the house as well as the agricultural holdings, there is a pit on the spot which was out of consolidation area, accordingly, even if the chak of respondent-5 is divided, the petitioner will not get any benefit of the chak road as demanded by him. On these findings the revision has been dismissed.

3. The Counsel for the petitioner submitted that the chak road as carved out is up to the sahen land of respondent-5, therefore, the way of the petitioner to village abadi up to his house has been blocked. He submits that as the Deputy Director of Consolidation has not made any spot inspection, as such, this anomaly could neither be noticed nor it was considered.

4. I have considered the arguments of the Counsel for the parties and examined the records. The Settlement Officer, Consolidation made a spot inspection and after the spot inspection he has carved out the chak road. In case the chak road was ending up to the sahen land of respondent-5 then the petitioner would have raised any such ground in his memorandum of revision but no such grounds has been raised in the memorandum of revision, accordingly, there was no necessity for Deputy Director of Consolidation to make spot inspection. The factual controversy in this respect is being raised for the first time before this Court as such this Court is unable to adjudicate the factual controversy raised by the petitioner. The Settlement Officer, Consolidation and Deputy Director of Consolidation both found that the chak road has carved out will connect the village abadi accordingly this Court is not inclined to interfere in the matter. The writ petition has not merit and is dismissed.