(2021) 04 UK CK 0020

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1093 Of 2010

Phool Singh & Others — APPELLANT

Vs

Chief Revenue Commissioner Uttarakhand, Bench Dehradun & Others — RESPONDENT

Date of Decision : 06-04-2021

Acts Referred:
Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950 — Section 333

Citation : (2021) 04 UK CK 0020

Hon'ble Judges : Sharad Kumar Sharma, J

Bench : Single Bench

Advocate : Siddhartha Sah, Suyash Pant, Tapan Singh

Judgement

Sharad Kumar Sharma, J

1. The petitioners in the present writ petition have prayed for the following relief:-

" (i) Issue a writ, order or direction in the nature of certiorari to quash the judgment and order dated 28.04.2010 passed by the court of Chief Revenue Commissioner Uttarakhand Bench Dehradun in revision no.3/2008-09 Sri Atar Singh and others Vs. Tehsildar Vikas Nagar and others (contained in annexure no.8).

(ii) Issue any other writ, order or direction which this Hon'ble Court deems fit and proper under the facts and circumstances of the case."

2. Before proceeded further on the merits of the matter, the learned counsel for the petitioners has drawn the attention of this Court to the judgment which was rendered in Appeal No.15/2003-2004, "Atar Singh and others Vs. Ramesh Singh and another", along with an Appeal No.16/2003-2004, "Dharm Pal Vs. Ramesh Singh and another", which apparently is shown to have been decided by the then Commissioner, namely, Subhash Kumar, by the judgment of 29.05.2007.

3. When this appellate order was put to challenge in revision under Section 333

of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, before the Chief Revenue Commissioner, which was numbered as Revision No.3/2008-2009, it is rather the same Appellate Authority, namely, Subhash Kumar, who had presided the bench while deciding the revision. Apparently this happens to be a contrary to the laid down principles that a Judge cannot be enshrined with the authority, to be a cause to scrutinize its own judgment, while exercising the superior revisional powers, over a judgment under challenge, which was passed by him only.

4. On that limited count itself, the Revisional Court judgment dated 28.04.2010, passed in Revision No.03/2008-2009, is hereby quashed. The matter is remanded back to the court of Chief Revenue Commissioner, Uttarakhand, Dehradun, to decide the Revision No.3/2008-2009, "Sri Atar Singh and others Vs. Tehsildar Vikas Nagar and others", a fresh, but not later than within a period of three months from the date of production of a certified copy of this judgment.