
(2014) 08 AHC CK 0196
In the Allahabad High Court
Case No : Consolidation No. 24 of 2002

Raj Bahadur

APPELLANT

Vs

Dy. Director of Consolidation

RESPONDENT

Date of Decision : 13-08-2014

Acts Referred:

Uttar Pradesh Consolidation of Holdings Act, 1953 — Section 20

Citation : (2014) 125 RD 298

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

Bench : Single Bench

Advocate : R.K. Pandey, Advocate for the Appellant; Ram Abhilash Maurya, Advocate for the Respondent

Judgement

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Ram Surat Ram (Maurya), J.—Heard Sri R.K. Pandey for the petitioner and Sri Ram Abhilash Maurya for the contesting respondents. The writ petition has been filed against the orders of Consolidation Authorities passed in chak allotment proceeding under U.P. Consolidation of Holdings Act, 1953 (hereinafter referred to as "the Act").

2. Plot Nos. 10, 510, 400/1, 400/2, 405/1 which were the original holdings of the petitioner and the contesting respondents. In some of the plots the petitioner was having 1/2 share and in some of the plots he was having 1/4 share. Assistant Consolidation Officer proposed three chaks to the petitioner. The first chak was proposed on plot No. 405 etc. which was his original holding. The second chak was proposed on plot No. 532, which was also his original holding and the third chak was proposed on plot No. 121 etc. which was a uran chak of the petitioner. The petitioner filed an objection under section 20 of the Act for deleting his third chak and allotting its valuation in the chak on plot Nos. 771 or 776. The Consolidation Officer by order dated 28.8.2000 decided the objection of the petitioner alongwith other chak objections of the village. By the order of Consolidation Officer the first chak of the petitioner allotted to him on plot No.

405 was abolished and in its place new chak on plot Nos. 774, 776 etc. was carved out. The petitioner filed an appeal against the order of the Consolidation Officer and before the Settlement Officer, Consolidation the petitioner prayed for abolition of his third chak on plot No. 121 etc. and allotting his chak on plot Nos. 405, 771, 797 etc. The Settlement Officer, Consolidation by order dated 31.3.2001 instead of abolishing the third chak of the petitioner reduced the area of his second chak on plot No. 532 and the valuation so reduced was allotted in plot No. 797. The petitioner filed a revision against the aforesaid order before the Deputy Director of Consolidation, which has been dismissed by the Deputy Director of Consolidation by order dated 26.11.2001 holding that it is not possible to enhance the area of the chak of the petitioner on plot No. 797. Hence, this writ petition has been filed.

3. The Counsel for the petitioner submits that the petitioner has no grievance against the allotment of his first chak on plot No. 405 as well as second chak on plot No. 532, which were allotted to him on his original holding according to his share in these plots. However, the petitioner has grievance in respect of his third chak and prayed for abolition of the third chak but the Consolidation Officer in place of abolishing the third chak has abolished the first chak of the petitioner while the Settlement Officer, Consolidation reduced the area from second chak and allotted its valuation on plot No. 797. He submits that plot No. 532 which was allotted in the second chak of the petitioner was on his original holding and lying even at a marginal distance from his house and is very valuable land. The petitioner has not prayed for abolition/reduction of the area of plot No. 532 from his chak but the Settlement Officer, Consolidation has illegally reduced the area of plot No. 532 and the Deputy Director of Consolidation has dismissed the revision of the petitioner holding that it is not possible to enhance the area of chak on plot No. 797 although the petitioner's demand was restoring the chak of the petitioner on plot No. 532 and for abolishing his third chak which was an uran chak for him.

4. The Counsel for the respondents in reply to the aforesaid arguments submits that the petitioner has been changing his demand at the various stages in such circumstances, the orders have been rightly passed by the consolidation authorities and no interference is required by this Court.

5. I have considered the arguments of the Counsel for the parties and examined the record.

6. A perusal of the objection as well as memorandum of appeal and memorandum of revision filed by the petitioner shows that the petitioner has throughout a grievance regarding his third chak on plot No. 121 etc. which was allotted to him as an uran chak. However, the grievance of the petitioner has not been considered by any of the Consolidation Authority and instead of abolishing uran chak from the chak of the petitioner the Consolidation Officer abolished his first chak which was on his original holding and the Settlement Officer, Consolidation has reduced the area of his second chak which too was on his

original holding and according to the petitioner this plot No. 532 is a very valuable land and he was rightly allotted chak on it according to his share. In such circumstances the grievance of the petitioner has not been considered by any of the consolidation authorities in a correct manner and material prejudice has been caused to the petitioner. In view of the aforesaid discussion, the writ petition succeeds and is allowed. Orders of the Consolidation Officer dated 28.8.2000, Settlement Officer, Consolidation dated 31.3.2001 and the Deputy Director of Consolidation dated 26.11.2001 are set aside. The matter is remanded to the Deputy Director of Consolidation to decide the revision of the petitioner afresh after hearing the parties in accordance with law within a period of four months from the date of production of a certified copy of this order before him.