
(2003) 05 AHC CK 0084
In the Allahabad High Court
Case No : Writ Petition No. 1676 of 2003 (MS)

Raj Karan

APPELLANT

Vs

U.P. Board of Revenue and Others

RESPONDENT

Date of Decision : 21-05-2003

Acts Referred:

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 333, 333(2)

Citation : (2003) 6 AWC 4609

Hon'ble Judges : I.M. Quddusi, J

Bench : Single Bench

Advocate : M.A. Siddiqui, for the Appellant; C.S.C., for the Respondent

Final Decision : Allowed

Judgement

I.M. Quddusi, J.—Heard learned Counsel for the Petitioner and the learned standing counsel for the State as well as learned standing counsel for the Land Management Committee concerned Sri R. N. Gupta.

2. Brief facts of the case are that one Ram Adhar had filed a revision before the Additional Commissioner (Administration), Faizabad Division, Faizabad which was allowed vide order dated 21.4.2003. The revision was filed against the Petitioner. Being aggrieved, the Petitioner filed a revision before the Board of Revenue but the same was held to be not maintainable vide impugned order dated 8.5.2003.

3. The revision was filed u/s 333 of the U.P.Z.A. & L.R. Act (hereinafter referred to as "the Act"), which provides as under :

333. Power to call for cases.-

(1) The Board or the Commissioner or the Additional Commissioner may call for the record of any suit or proceeding decided by any court subordinate to him in which no appeal lies or where an appeal lies but has not been preferred, for the purpose of satisfying himself as to the legality or propriety of any order passed in such suit or proceeding and if such subordinate court appears to have-

- (a) exercised a jurisdiction not vested in it by law; or
- (b) failed to exercise a jurisdiction so vested; or
- (c) acted in the exercise of jurisdiction illegally or with material irregularity;

the Board or the Commissioner or the Additional Commissioner, as the case may be, may pass such order in the case as he thinks fit.

(2) If an application under this section has been moved by any person either to the Board or to the Commissioner or to the Additional Commissioner, no further application by the same person shall be entertained by any other of them.

4. The earlier revision which was filed before the Commissioner, Faizabad Division, Faizabad by the other party, was not maintainable, therefore, Section 333 of the Act would not be applicable in the instant matter which provides that if an application has been moved by any person either to the Board or to the Commissioner or to the Additional Commissioner, no further application by the same person shall be entertained by any other of them.

5. As the word "the same person" has been mentioned, therefore, if any application or revision would have been moved by the instant Petitioner, certainly second revision was barred but since the first revision was filed before the Commissioner by the other party which has been allowed, the second revision not by the same party but by the Petitioner cannot be said to be not maintainable.

6. Therefore, the impugned order passed by learned Board of Revenue is bad in law and is not sustainable.

7. In the result, the writ petition is allowed. The impugned order dated 8.5.2003 passed by the Board of Revenue, U.P., is quashed. The Board of Revenue is directed to restore the revision to its original number and pass appropriate orders on merits.

8. Learned Counsel for the Petitioner has also submitted that he has moved an application for interim relief also. The same may also be considered and appropriate orders may be passed thereon.