

(2016) 07 AHC CK 0085

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 29707 of 2016

Raja Ram

APPELLANT

Vs

Additional Commissioner Varansi and 11 ors.

RESPONDENT

Date of Decision : 13-07-2016

Acts Referred:

Uttar Pradesh Consolidation of Holdings Act, 1953 — Section 11A, 27(3)
Uttar Pradesh Land Revenue Act, 1901 — Section 28

Citation : (2016) 7 ADJ 370 : (2016) 133 RD 509 : (2016) 2 RJ 1649

Hon'ble Judges : Anjani Kumar Mishra, J.

Bench : Single Bench

Advocate : Yogendra Kumar, Advocate, for the Appellant; C.S.C., Amit Kumar Tiwari and Manoj Kumar Yadav, Advocates, for the Respondent

Final Decision : Dismissed

Judgement

Anjani Kumar Mishra, J.— Heard learned counsel for the petitioner, Shri Om Narayan Dwivedi has put in appearance on behalf of the petitioner in Court today. The same is taken on record. I have heard him and Shri Manoj Kumar Yadav for the Gaon Sabha, respondent no. 4 and Shri Amit Kumar Tiwari for the respondent no. 5.

2. The writ petition arises out of proceedings under Section 28 of the U.P. Land Revenue Act. These proceedings were initiated by the respondents and an order came to be passed on 04.04.2013 directing correction in the map.

3. The contention of learned counsel for the petitioner is that he had filed an objection to the report that had been submitted by the droughts man.

4. On a pointed query, he admits that he was not a party to the proceedings nor had sought impleadment therein. The contention is that the author of the report was droughts man never examined to prove the report and, therefore, this report could not be made basis of the order impugned.

5. After the correction of map was ordered, the petitioner appears to have been

filed a revision, which has also been dismissed.

6. In my considered opinion, in view of the admitted factual position that the petitioner was not a party to the proceedings under Section 28 of the U.P. Land Revenue Act nor sought his impleadment therein, he was a total stranger thereto. The objection as also the revision filed by him, were for the same reason clearly not maintainable.

7. It has additionally been submitted by learned counsel for the petitioner that since the correction has been ordered in the final consolidation map, the proceedings initiated by the respondent were barred by Section 11A of the U.P. Consolidation of Holdings Act. This correction could have been done only during consolidation operations and not thereafter.

8. This submission of learned counsel for the petitioner is totally devoid of substance.

9. A bare reading of Section 11A of the U.P. Consolidation of Holdings Act provides that an objection, which can be filed at the stage of Section 9, cannot be raised at any subsequent stage of consolidation operations. An objection for the correction of map is to be made in accordance with the provision of Section 27 of the Act. The bar contained in Section 11A, therefore, has absolutely no application in matters pertaining to corrections of map.

10. Moreover, sub-section 3 of the aforesaid Section 27 of the Act provides that once the final consolidation map has been prepared and the consolidation operations have come to a close, this map is to be corrected and is maintained in accordance with the provision contained in the U.P. Land Revenue Act, 1901.

11. It is therefore, clear that even the final consolidation map is subject to the provisions of Section 28 of the U.P. Land Revenue Act, which had been invoked in the instant case by the respondents.

12. Since the submissions of learned counsel for the petitioner are devoid of substance and additionally since the petitioner is unconcerned with the proceedings not being a party thereto, this writ petition is dismissed.