

(1996) 07 AHC CK 0088

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 13314 of 1984

Ram Badan (dead)

APPELLANT

Vs

D.D.C., Deoria and Others

RESPONDENT

Date of Decision : 10-07-1996

Acts Referred:

Uttar Pradesh Consolidation of Holdings Act, 1953 — Section 48

Citation : (1996) 07 AHC CK 0088

Hon'ble Judges : B. Dikshit, J

Final Decision : Allowed

Judgement

B. Dikshit, J.—This writ petition has been filed against order dated 471984 passed by Deputy Director of Consolidation, Deoria whereby he has remanded the case for decision afresh by Settlement Officer Consolidation.

2. Heard counsel for petitioner and contesting respondents.

3. The appellate order has been set aside by revisional authority without considering the evidence on record. Before setting aside the order of Settlement Officer Consolidation it was obligatory for Deputy Director of Consolidation while exercising power under Section 48 of U.P. Consolidation of Holdings Act to consider the evidence and assign its own reason. The Deputy Director of Consolidation was not right in observing that the Settlement Officer Consolidations has not assigned reason for the reason that the Settlement Officer Consolidation has specifically held that an intermediately cannot get benefit of section 20 of U.P. Act No. 1 of 1950. As I am of the opinion that the case requires reconsideration by the revisional authority. I am not expressing any opinion in respect of correctness of that finding. The case is to be sent back also for the reason that the Deputy Director of Consolidation has not considered the evidence which was relevant for the purpose of deciding as to whether respondent was a Zamindar.

4. For aforesaid reason the order dated 471984 passed by Deputy Director of

Consolidation, Deoria is quashed and he is directed to reregister the revision and decide the same afresh after considering the relevant evidence lead by parties.

5. The writ petition is allowed.

6. Parties are directed to bear their own costs. Petition allowed.