

(2009) 08 AHC CK 0210

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 54137 of 2002

Ram Murat

APPELLANT

Vs

Dy. Director of Consolidation, Gorakhpur &Ors.

RESPONDENT

Date of Decision : 25-08-2009

Acts Referred:

Uttar Pradesh Consolidation of Holdings Act, 1953 — Section 48

Citation : (2009) 08 AHC CK 0210

Hon'ble Judges : Rajiv Sharma, J

Final Decision : Allowed

Judgement

Rajiv Sharma, J.

Heard learned Counsel for the parties.

In nutshell, the case of the petitioner is that he is the holder of chak No.552 having its original plot no.104. On initiation of consolidation proceedings, objections were filed and the Consolidation Officer has passed the order dated 23.9.1994.

An appeal filed by Ram Preet and others was decided by the Settlement Officer (Consolidation) vide judgment and order dated 28.9.1995. Thereafter, the appeal filed by Ram Surat was decided on 31.10.1998. Being aggrieved, Ram Surat filed a revision No. 781 of 1998 before the Revisional Authority, whereas Ram Preet and others filed a revision No. 2059 of 2001 before the Deputy Director of Consolidation/Revisional Authority on 9.2.2001 against the order of the Settlement Officer (Consolidation) dated 28.9.1995.

Admittedly, the Revision No.2059 of 2001 filed by Ram Preet and others was beyond time and as such, the same was accompanied by an application under Section 5 of the Limitation Act. After condoning the delay, both the revisions were allowed, by means of the order dated 31.3.2001, without issuing notice to the petitioner. When the petitioner came to know about the order dated 31.3.2001, he moved an application for recall of the order, which too was

rejected vide order dated 6.9.2002. While allowing the revisions, the chak of the petitioner has been disturbed. Further, he has not been heard by the Revisional Authority.

In view of above, the writ petition is allowed and the orders dated dated 31.3.2001 and 6.9.2002 passed by the Deputy Director of Consolidation/ Revisional Authority are hereby quashed. It is further provided that the matter is remitted to the Deputy Director of Consolidation to decide the revisions afresh, in accordance with law, after affording an opportunity of hearing to the parties, within a maximum period of six months, from the date of receipt of a certified copy of this order.