
(1972) 11 AHC CK 0013

In the Allahabad High Court

Case No : Civil Miscellaneous Writ No. 6725 of 1972

Ram Pyare

APPELLANT

Vs

Deputy Director of Consolidation and Others

RESPONDENT

Date of Decision : 09-11-1972

Acts Referred:

Uttar Pradesh Consolidation of Holdings Act, 1953 — Section 41

Citation : AIR 1973 All 347 : (1973) 43 AWR 34 : (1973) RD 386

Hon'ble Judges : K.N. Singh, J; Hari Swarup, J

Bench : Division Bench

Advocate : Markandey Katju, for the Appellant; Standing Counsel, for the Respondent

Final Decision : Dismissed

Judgement

Hari Swarup, J.—Through this petition the order of the Deputy Director of Consolidation dismissing as not maintainable the application for review of the order passed in Revision is being challenged. Admittedly there is no specific provision in the U. P. Consolidation of Holdings Act, hereinafter referred to as the Act, conferring on the Deputy Director of Consolidation the power to review his judgment. Learned counsel contends that Section 41 of the Act confers such power.

2. Section 41 reads as under:

"Unless otherwise expressly provided by or under this Act, the provisions of Chapters IX and X of the U. P. Land Revenue Act, 1901 shall apply to all proceedings including appeal and applications under this Act."

Chapter X of the Land Revenue Act gives the power to the Board of Revenue to review its judgment. There is, however, no provision therein regarding review of orders by authorities under the U. P. Consolidation of Holdings Act.

3. In our opinion Section 41 of the Act only makes applicable the provisions of

Chapters IX and X of the U. P. Land Revenue Act to proceedings initiated under the U. P. Consolidation of Holdings Act, including proceedings of appeal and revision. Once the proceedings are initiated under this Act, the procedure laid down in Chapters IX and X shall apply. Section 41, however, does not authorise the initiation of proceedings not contemplated or authorised by the Act. The power of review has to be specifically conferred and unless there is a provision in the Act permitting initiation of such proceeding, the question of applicability of procedure laid down in Chapters IX and X of the U. P. Land Revenue Act does not arise. In THE case of Qadam Singh v. Ganga Saran 1960 All LJ 836 this Court had taken the view that no review lies. We are also of the same view.

4. The petition is accordingly dismissed.