

(2008) 04 AHC CK 0192

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 21454 of 2008

Rishi Pal Singh and others

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 28-04-2008

Acts Referred:

Uttar Pradesh Zamindari Abolition and Land Reforms Rules, 1952 — Rule 176A

Citation : (2008) 04 AHC CK 0192

Hon'ble Judges : Ashok Bhushan, J

Final Decision : Allowed

Judgement

Ashok Bhushan, J.—Heard learned Counsel for the petitioner and learned Standing Counsel. Sri Kumar has accepted the notice on behalf of respondent No. 5. With consent of Counsel for the parties the writ petition is finally disposed of.

2. By this writ petition, petitioner has prayed for quashing the order dated 15.5.2007 passed by Consolidation Officer by which the name of the petitioners have been directed to expunge as Asami lessee on the ground that the period of lease has come to an end.

3. Learned Counsel for the petitioner contends that the said order has been passed without any notice and opportunity and no proceeding was drawn for determination of the lease.

4. Learned Counsel for the petitioner further submits that the issues, which have arisen in this writ petition, has already been decided by this Court in Writ Petition No. 4095 of 2008, Ram Deo and another v. State of U.P. and others on 21.4.2008. It is not disputed that the issues, which have arisen in tills writ petition, has already been decided by this Court in Ram Deo's case.

5. A perusal of the impugned order indicates that no proceeding was drawn and only on the basis of report of Assistant Consolidation Officer, impugned orders were passed. Similar writ petitions have been decided by bunch of cases in Ram Deo and another v. State of U.P. and others. Following the judgment of this Court

in Ram Deo's case, this writ petition is also allowed and the order dated 15.5.2007 is quashed.

6. However, it will be open for Assistant Collector to proceed to pass an appropriate order after drawing the proceeding under Rule 176A of U.P. Zamindari Abolition & Land Reforms Rules, 1952 with regard to Asami leases granted to the petitioner.