
(2016) 12 AHC CK 0160
In the Allahabad High Court
Case No : Writ-B No. 55623 of 2016

Saddiq

APPELLANT

Vs

Deputy Director of Consolidation

RESPONDENT

Date of Decision : 15-12-2016

Acts Referred:

Citation : (2017) 134 RD 286

Hon'ble Judges : Manoj Kumar Gupta, J.

Bench : Single Bench

Advocate : C.S.C, Brajesh Shukla, Advocate, for the Respondents; Rajiv Sisodia and Dharendra Kumar Srivastav, Advocates, for the Petitioner

Final Decision : Dismissed

Judgement

Manoj Kumar Gupta, J. - Supplementary affidavit filed today is taken on record.

2. By means of this writ petition, the petitioner has challenged the order dated 7.10.2016 passed by Deputy Director of Consolidation, Sambhal, Camp Amroha in revision no. 174/620 Mohammad Ali @ Munna v. Saddiq and others.

3. The impugned order has been passed in course of adjudication of a dispute between the parties relating to allotment of chaks. The petitioner and other tenure holders filed objections under Section 20 of the U.P. Consolidation of Holdings Act, 1953, which was decided by the Consolidation Officer by order dated 10.9.2015. The objection filed by respondent no. 2 was rejected by order dated 10.6.2016. Aggrieved by these orders, the second respondent filed two separate appeals before the Settlement Officer, Consolidation, Amroha. The case of the second respondent before the appellate authority was that he along with his brother had half share in gata no. 640, which is road side land. However, he has not been given any chak over gata no. 640. The Settlement Officer, Consolidation allowed the appeal filed by the second respondent by order dated 24.6.2016, as a result whereof, a new chak has been carved out in favour of the second respondent over gata no. 640 having a valuation of 45.42. The second

respondent still felt unsatisfied with the adjustment made at the appellate stage and filed a revision. The Deputy Director of Consolidation by impugned order dated 7.10.2016 has allowed the revision by accepting the claim of the second respondent that as a result of adjustment made at the appellate stage, a third chak came to be carved out in his favour, which was not warranted in the facts and circumstances of the case.

4. Learned counsel for the petitioner submitted that the petitioner felt satisfied with the adjustment made at the appellate stage and he did not challenge the order. It is pointed out that the appeal filed by the second respondent had been allowed and thus, there was no occasion to file a revision. It is further submitted that the main demand of the second respondent at the appellate stage was that a chak should be carved out in his favour over the original holding gata no. 640 and the said demand having been fulfilled, the demand that three chaks should not have been carved out, ought not to have been entertained as it is not possible to meet each and every demand of a tenure holder in consolidation operations. It is submitted that the petitioner has again been affected by the adjustment made at the revisional stage.

5. On the other hand, learned counsel for the second respondent pointed out that at the stage of Settlement Officer, Consolidation, in lieu of the land taken from the petitioner from gata no. 640 and 603 (valuation 19.29), he was given additional land of the same valuation on gata no. 604. The petitioner was already having a chak over gata no. 604 and thus as a result of adjustment made at the appellate stage, the number of chaks of the second respondent remained the same whereas a third chak came to be carved out in favour of the respondent. The revisional authority has corrected the said mistake, by taking away an area of 0.411 hectare of gata no. 583 and by giving additional land of same valuation over gata no. 604, thus, reducing the number of chaks from three to two. The petitioner has been given that part of land of gata no. 521 over which he was already having a chak. Thus, the number of chaks of the petitioner remained the same and no prejudice has been caused to him.

6. I have considered the submissions made by learned counsel for the parties and perused the record.

7. Indisputably, the main object of the consolidation operations is to consolidate the holdings of the tenure holders so that agricultural operations become easy and effective. It is not disputed before this Court that as a result of adjustment made at the revisional stage, the number of chaks of the second respondent has been reduced from three to two. On the other hand, the number of chak of the petitioner has remained the same i.e. two.

8. In such view of the matter, this Court is of the opinion that no prejudice has been caused to the petitioner which may warrant interference in exercise of writ jurisdiction.

9. The petition lacks merit and is dismissed.