

(2021) 11 UK CK 0044

In the Uttarakhand High Court

Case No : Writ Petition No. (M/S) 2297 Of 2011

Seeto & Ors

APPELLANT

Vs

Jahoor Ahmad & Ors

RESPONDENT

Date of Decision : 11-11-2021

Acts Referred:

Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950 — Section 333A
Constitution Of India, 1950 — Article 226, 227

Citation : (2021) 11 UK CK 0044

Hon'ble Judges : S.K. Mishra, J

Bench : Single Bench

Advocate : Rajendra Singh Azad, Mohd. Safdar

Final Decision : Dismissed

Judgement

S.K. Mishra, J

1. Heard Mr. Rajendra Singh Azad, the learned counsel for the petitioners and Mr. Mohd. Safdar, the learned counsel for the respondents.

2. In this writ petition, the petitioners prayed for issuance of writ of certiorari quashing the impugned order dated 27.01.2006, passed by the learned Commissioner, Garhwal Region camp at Dehradun in Revision No. 99 of 2000-01 and the order dated 17.08.2000 passed by the learned Additional Collector, Haridwar in Case No. 21 of 1998-99.

3. Petitioner no. 1 late Smt. Seeto and petitioner nos. 2, 3 and 4 were granted some agricultural lands for the purpose of cultivation for five years by the Land Management Committee of village Gee Mohmadpur Sayeedpur, Pargana Bhagwanpur, Tehsil Roorkee, District Haridwar on the ground that they had undergone the family planning operation. The private opposite party no.1 and 2 have filed an application before the learned Addl. Collector, Haridwar for cancellation of their grant which was considered by the learned Addl. Collector, Haridwar and after examining the same it came to the conclusion that while

granting the land for cultivation to the petitioners no survey was made by the Land Management Committee regarding the identification of landless persons; secondly, he considered that since the grant was only for five years and there was no provision of renewal nor any renewal of the same was made by the Land Management Committee, the temporary patta issued in favour of the petitioners were cancelled. The petitioners carried the matter in a revision under Section 333-A of the U.P. Z.A & L.R. Act to the Court of learned Commissioner which was disposed of by the Commissioner, Garhwal Mandal whereby he upheld the order passed by the Addl. Collector, Haridwar.

4. In assailing the findings, the learned counsel for the petitioners submits that since the land was allotted to the petitioners on the basis of the policies initiated by the Uttar Pradesh Government to encourage family planning, a permanent patta has been issued in their favour. However, he stated that the petitioners' claim that the Government of Uttar Pradesh issued Government Order/general circular on such issue, such circular or general order are not available anywhere. In the absence of such specific order or circulars, the Court cannot presume that the State Government had taken a stand to grant leases perpetually in favour of the persons who undergo the family planning operation. On the contrary, the arguments advanced by the learned counsel for the opposite party that the grant is only for a limited period to landless persons who may might have undergone family planning operation is to promote self dependence by landless persons and on completion of five years the grant should go back to the Land Management Committee for re-allotment order to other needy and eligible persons.

5. In that view of the matter, the concurrent findings recorded by the learned Authorities having original as well as revisional jurisdiction do not suffers from material irregularities and do not requires interference in exercising the jurisdiction to issue a writ of certiorari under Article 226 of the Constitution or jurisdiction of general superintendence under Article 227 of the Constitution.

6. Hence, the writ application is devoid of merit, is dismissed.

7. There shall be no order as to costs.

8. Urgent certified copy of this order be provided as per rules.