

(2012) 02 AHC CK 0258

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 23324 of 2011

Shiv Kumar and Others

APPELLANT

Vs

Additional Commissioner (Judicial), Meerut Region Meerut
and Others

RESPONDENT

Date of Decision : 09-02-2012

Acts Referred:

Citation : (2012) 02 AHC CK 0258

Hon'ble Judges : A.P. Sahi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon''ble A.P. Sahi, J.—Heard Sri Veer Singh learned counsel for the petitioners.

2. The petitioners contend that they have been allotted land that was declared surplus under the U.P. Imposition of Ceiling on Land Holdings Act, 1960, vide proposal dated 30.5.1993 and approved on 30.6.1993.

3. The background of the case is that the land had been declared surplus prior to that, and in the year 1989, 38 persons had been allotted the said land. A complaint was made, and the allotment of 18 persons was cancelled on 23.4.1993. It is after the passing of the said order that the petitioners have been allotted afresh.

4. Those 18 persons whose allotment had been earlier cancelled, filed writ petition No. 19351 of 1993 and the said writ petition was ultimately allowed on 6.11.2008 with a direction to decide the matter again.

5. The petitioners contend that they had taken over possession of the land on the basis of their fresh allotment in 1993 and that their name was entered in the revenue records.

6. After the matter was remitted in relation to the earlier allottees referred to hereinabove under the judgment dated 6.11.2008, applications were filed for

cancellation of the allotment in favour of the petitioners. Accordingly, after examination, the allotment of the petitioners came to be cancelled as it was a chain event arising out of the order of the High Court dated 6.11.2008.

7. The impugned order of cancellation proceeds to record specific findings particularly that the proceedings of allotment were in violation of the provisions of advertisement and munadi and further that any amendment carried out in the proposal was erroneous and the allotments made in 1993 is doubtful. It has further been recorded that the allotment was not carried out by the Collector or any Officer nominated by him and as such the allotment orders are illegal.

8. This Court has already dismissed writ petition No. 31103 of 2009 and the cancellation of the earlier allotments has been upheld.

9. For the reasons aforesaid and for the reasons given in writ petition no. 31103 of 2009, the present writ petition also has no merit and is accordingly dismissed.