
(2012) 12 AHC CK 0207

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition (PIL) No. 63576 of 2012

Smt. Parvati Devi

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 06-12-2012

Acts Referred:

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 122B

Citation : (2013) 4 ADJ 111

Hon'ble Judges : Shiva Kirti Singh, Acting C.J.; P.K.S. Baghel, J

Bench : Division Bench

Advocate : Satyendra Nath Tiwari, for the Appellant;

Judgement

1. Heard learned counsel for the petitioner and learned counsel for the State. The present writ petition is bit unusual. Generally a number of writ petitions are filed alleging encroachments over ponds and other public properties. Such writ petitions are disposed of usually by directing the petitioners to approach before appropriate Authority u/s 122-B of Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950 (hereinafter referred to as the Act).

2. In the present case, the Sub-Divisional Magistrate and Tehsildar of Bhatpar Rani, District Deoria have already passed an order u/s 122-B of the Act for removal of encroachments made by one Jagat Tiwari.

3. The grievance of the petitioner is that despite of order passed on 23.4.2012, no steps have been taken for execution of the order and for removal of unauthorised encroachments over the concerned public land, claimed to be a pond.

4. Learned counsel for the petitioner has fairly pointed out that Rule 155-A of the Uttar Pradesh Zamindari Abolition And Land Reforms Rules, 1952 requires execution of such orders by the concerned Tehsildar.

5. It is very unfortunate that inspite of statutory provision providing for

execution, citizens have to come to this Court for execution of orders passed by S.D.M. or Tehsildar. This Court is already over burdened with important matters requiring determination of rights of the parties. If this Court is further burdened with execution of orders passed by petty officials, Justice delivery system at the highest level of the State would be paralyzed.

6. The District Magistrate concerned should take appropriate action against the erring officials who fail in their duties to execute the orders passed u/s 122-B of the Act or similar statutory provisions. This alone shall ensure execution of statutory orders by officers who have legal duty to see that such type of orders are implemented and executed without any delay.

7. This writ petition is disposed of with a direction to the District Magistrate, Deoria to act in accordance with the aforesaid observations so as to ensure the complaints of non execution are entertained at his stage.

8. It would be far better if officers entrusted with execution or implementation are made accountable for their failure to execute such orders within reasonable time. We expect that District Magistrate to keep the aforesaid observations in mind.