
(2011) 09 AHC CK 0425
In the Allahabad High Court
Case No : C.M.W.P. No. 51309 of 2011

Smt. Savitri Devi

APPELLANT

Vs

Board of Revenue, U.P. at Allahabad and others

RESPONDENT

Date of Decision : 06-09-2011

Acts Referred:

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 198, 3(3A)

Citation : (2012) 1 AWC 228 : (2011) 114 RD 404

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

Bench : Single Bench

Final Decision : Dismissed

Judgement

A.P. Sahi, J.—Heard learned Counsel for the petitioner, learned Counsel for the Gaon Sabha and the learned Standing Counsel.

2. The finding recorded against the petitioner is that the lease that was granted to her, was in violation of the provisions of the preference as enumerated u/s 198 of the U.P.Z.A. and L.R. Act, 1950.

3. Sri Pandey, learned Counsel for the petitioner submits that the petitioner had categorically set up a case that there was no evidence relating to the alleged passing of any monetary considerations or otherwise for the grant of lease and secondly, the petitioner was a resident of the same circle. He submits that the findings recorded by the authorities below on both these counts are erroneous.

4. Learned Counsel for the Gaon Sabha contends that the word "Circle" has been defined u/s 3(3-A) of the U.P.Z.A. and L.R. Act, 1950 which means a Gaon Sabha established under the U.P. Panchayat Raj Act, 1947. He contends that the petitioner not being a resident of that Gaon Sabha cannot be said to be a resident of the same circle and having failed to establish that, the impugned order does not deserve any interference.

5. Having heard learned Counsel for the parties, it appears that the petitioner in

paragraph 6 of the writ petition admits that she is not the resident of the same village where the lease has been granted. In paragraph 28, it has been recited that there is no finding recorded by the authorities that the petitioner is not the resident of the same circle.

6. A combined reading of these two paragraphs nowhere indicates any assertion of the petitioner to the effect that she is the resident of the same Gaon Sabha where the land is situate, and in view of this complete absence of recital, the only inference that can be drawn is that the findings recorded are not incorrect.

7. No cause for interference is made out. The writ petition is dismissed.