
(2011) 07 AHC CK 0086
In the Allahabad High Court
Case No : C.M.W.P. No. 35623 of 2011

Smt. Usha Devi	Vs	APPELLANT
State of U.P. and others		RESPONDENT

Date of Decision : 11-07-2011

Acts Referred:

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 195, 198

Citation : (2012) 3 AWC 2334

Hon'ble Judges : Amreshwar Pratap Sahi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi, J.—The contention raised is that the acquisition of land by the son of the petitioner prior to the date of approval of the lease, would not make the petitioner ineligible for grant of lease, and she would continue to be within the preferential criteria of the provisions u/s 198 of the U.P.Z.A. & L.R. Act. Learned Counsel for the petitioner submits that the finding recorded is erroneous in law.

2. I have perused the impugned order. A clear finding recorded is, that approval after due process finally came to be made on 10.10.2006. In such a situation it is admitted that the additional property had already been acquired by the petitioner's son as is apparent in 2001 itself. This was obviously prior to the approval as required u/s 195, U.P.Z.A. & L.R. Act. Accordingly the contention raised by the learned Counsel for the petitioner does not hold water as prior approval is necessary for a legal sanction to any allotment.

3. The second contention of the learned Counsel for the petitioner is that as a matter of fact the proposal of allotment was prior to the first rejection of the approval and the matter had been remanded to the Sub-Divisional Officer. In this situation he contends that the acquisition should be treated to be subsequent to the proposal that was rejected and remanded by the Collector. This in my

opinion, does not amount to any approval. So long as the proposal is not approved it has no legal sanction and hence no benefit could accrue to the petitioner. The position therefore indicates that there was no approval till 2006.

4. The writ petition lacks on merit and is accordingly dismissed.

Petition Dismissed.