

(2011) 09 AHC CK 0424
In the Allahabad High Court
Case No : C.M.W.P. No. 51799 of 2011

Sukhai

APPELLANT

Vs

Commissioner Basti Division, Basti and others

RESPONDENT

Date of Decision : 08-09-2011

Acts Referred:

Uttar Pradesh Land Revenue Act, 1901 — Section 34

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 171

Citation : (2012) 1 AWC 147 : (2011) 114 RD 400

Hon'ble Judges : Amreshwar Pratap Sahi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi, J.—Heard learned Counsel for the petitioner.

2. Supplementary filed today on behalf of the petitioner is taken on record.

3. This is an unfortunate contest between the petitioner and his own father, Gaya Prasad and his two cousin sisters, namely, Nirmala Devi and Vimla Devi in summary proceedings of mutation u/s 34 of the U.P. Land Revenue Act, 1901. The succession is to the holding of Ram Tirath, who is the nephew of Gaya Prasad.

4. Learned Counsel for the petitioner contends that Nirmal Devi and Vimla Devi are his real sisters whereas his father contends that they are the sisters of Ram Tirath. Even assuming that this dispute may be kept aside for a moment, yet so long as the father of the petitioner is alive, the question of inheritance to the holding of Ram Tirath by the petitioner, does not arise.

5. In such a situation, in view of the order of succession u/s 171 of the U.P. Z.A. and L.R. Act, 1950 it is either Gaya Prasad, who succeeds to the holding of Ram Tirath or Nirmala Devi and Vimla Devi, who are married, in case, the same is established in accordance with law.

6. So far as the petitioner is concerned, he can only succeed if he is able to get any declaration in his favour from a Court of competent jurisdiction. In such a situation, I do not find any reason to interfere with the impugned orders.

7. The writ petition lacks merits and is accordingly dismissed.