
(1968) 01 AHC CK 0004

In the Allahabad High Court

Case No : Civil Miscellaneous Writ No. 730 of 1963

Sunder

APPELLANT

Vs

The State of U.P. and others

RESPONDENT

Date of Decision : 01-01-1968

Acts Referred:

Uttar Pradesh Consolidation of Holdings Act, 1953 — Section 48(3)

Citation : (1968) 38 AWR 138

Hon'ble Judges : Rajeshwari Prasad, J

Bench : Single Bench

Advocate : G.P. Dixit, for the Appellant; N.C. Rajvanshi for opp. party No. 3, for the Respondent

Final Decision : Dismissed

Judgement

Rajeshwari Prasad, J.—There is no substance in this writ petition and it must be dismissed. It appears that during the consolidation operations an error had crept in regarding the shares of the various parties in the property in question. The share entered to the credit of Sunder was shown to be 1/4th and the share of Respondent No. 3 along with others was shown to be 1/8th only. Subsequently, the mistake was detected, and the Settlement Officer (Consolidation) made a report on 2-5-1962, to the effect that the correct extent of share of the Petitioner, Sunder, along with others, was 1/6th, and to the same extent was the share of Respondent No. 3 along with others. He forwarded the report to the Deputy Director of Consolidation for approval. He purported to act Under Sub-section (3) of Section 48 of the Consolidation of Holdings Act. That there was a mistake as pointed out and the correct extent of the shares of the parties was 1/6th, is clear from the fact that the parties themselves accepted that position and filed compromise, both before the Assistant Consolidation Officer on 19-12-1959 and before the Consolidation Officer on 9-1-1960. The extent of the lawful share of the parties having been thus accepted by them, the Deputy Director of Consolidation acted rightly in accepting the proposal of the

Settlement Officer for correction.

2. What has been Urged is that the Deputy Director of Consolidation, in exercise of his revisioinal power, could not enter into the question of the shares of the parties. This contention is based on misconception. What would be the extent of the shares of the parties in law, on given or proved facts, is certainly a question, which could have been gone into in the exercise of jurisdiction u/s 48 of the Act.

3. The writ petition is dismissed with costs to Respondent No. 3.