

(1999) 08 AHC CK 0106

In the Allahabad High Court

Case No : Civil Miscellaneous W.P. No. 932 of 1974

Uma Shankar

APPELLANT

Vs

Deputy Director of Consolidation and Others

RESPONDENT

Date of Decision : 17-08-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Uttar Pradesh Consolidation of Holdings Act, 1953 — Section 48

Citation : (1999) 08 AHC CK 0106

Hon'ble Judges : R.P.Misra, J

Final Decision : Allowed

Judgement

R.P Misra, J.—List has been revised. Learned Counsel for the respondent is not present.

2. Heard Sri K.S. Chauhan, learned Counsel for the petitioner.

3. Learned Counsel for the petitioner has submitted that the Deputy Director of Consolidation has interfered in the findings recorded by the Consolidation Officer and Settlement Officer, Consolidation, which is not permissible under law. In support of his contention, the learned Counsel has relied upon decisions in the case of Ram Dular v. Deputy Director of Consolidation, reported in 1994 RD 290. In the aforesaid judgment, it has been held that the Deputy Director of Consolidation has no power to interfere in the findings recorded by the Consolidation Officer and Settlement Officer, Consolidation. From the record, it is clear that the Deputy Director of Consolidation has interfered in the findings recorded by the Consolidation Officer as well as by the Settlement Officer, Consolidation.

4. Considering the facts and circumstances of the case, the writ petition is allowed and the order dated 16111973, passed by the Deputy Director of Consolidation, Mainpuri is quashed. The matter is remanded to the Deputy Director of Consolidation to decide the same as afresh in accordance with law.

5. As none is present on behalf of the respondents, the parties are directed to bear their own costs. Petition allowed.