

(2015) 05 AHC CK 0193
In the Allahabad High Court
Case No : Writ-C No. 19527 of 2015

Zulfikar Ali

APPELLANT

Vs

Addl. Commissioner (J), Saharanpur and Others

RESPONDENT

Date of Decision : 05-05-2015

Acts Referred:

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 229-B

Citation : (2015) 128 RD 172

Hon'ble Judges : Ran Vijai Singh, J

Bench : Single Bench

Advocate : Rakesh Singh, for the Appellant; Indrapal Singh Malik, J.M. Nasir and Rajesh Yadav, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Ran Vijai Singh, J—Heard Sri Rakesh Singh, learned Counsel for the petitioner, learned Standing Counsel appearing for the State-respondents, Sri J.M. Nasir learned Counsel for private respondents and Sri R. Yadav holding brief of Sri Rajesh Yadav, learned Counsel for the Gaon Sabha. By means of the present writ petition the petitioner has prayed for issuing a writ of certiorari quashing the order dated 11.6.2013 passed by the Sub-Divisional Officer, Muzaffarnagar in Case No. 18/2011 (Hashmat v. Anwar) and the order dated 28.1.2015 passed by the Additional Commissioner, (Judicial) Saharanpur Division Saharanpur in Revision No. 17/2013-14 (Zulfiqar Ali v. Nafees Ahmad and others).

Vide order dated 11.6.2013 the Sub Divisional Officer has modified his earlier order by making the following observations:

2. Against this order the revision was filed that has been dismissed.

3. The facts giving rise to the present writ petition are that respondents herein have filed Suit No. 16/97 under section 229-B of the U.P. Zamindari Abolition and Land Reforms Act, 1950 which was decreed vide judgment and decree dated 17.8.1998 and 26.8.1998. Against the aforesaid decree an appeal was filed

before the Additional Commissioner, Saharanpur Division, Saharanpur. which too was dismissed on 13.1.2000. It is against this judgment and decree Revision No. 21/2000-01 (Mohd. Usman v. Mohd. Ikram) was filed before the Board of Revenue. Learned Member, Board of Revenue has allowed the revision and set aside the judgment and decree of the Court below and remanded the matter before the Trial Court for deciding the suit afresh. Operative portion of the judgment dated 25.3.2003 is reproduced herein below:

4. Thereafter an application was filed before the Sub-Divisional Officer for making the endorsement in the revenue record. The entry was made in detail. The other side has also filed an application that only operative portion of the judgment of the Board of Revenue ought to have been recorded in the revenue record. The said. application was allowed and operative portion of the judgment of the Board of Revenue was recorded in the revenue record. It is against this order a revision was filed which has been dismissed.

5. On being confronted as to whether after the judgment of the Board of Revenue dated 25.3.3003 the suit has been decided or not, learned Counsel appearing for the both the sides expressed their helplessness to apprise the Court about the correct position.

6. From the perusal of the impugned order dated 11.3.3013 passed by the Sub-Divisional Officer I find that there is no illegality in the order as he was not expected to record the entire observation made in the judgment of the Revisional Court in the revenue record. I do not find any error in the same. The writ petition lacks merit and it is hereby dismissed.