

(2010) 11 AHC CK 0191

Allahabad High Court

Case No: Writ-B No. 63645 of 2010

Ramdaras and others

APPELLANT

Vs

Dy. Director of Consolidation,
Ghazipur and others

RESPONDENT

Date of Decision: Nov. 1, 2010

Acts Referred:

- Uttar Pradesh Consolidation of Holdings Act, 1953 - Section 48

Hon'ble Judges: Vikram Nath, J

Final Decision: Allowed

Judgement

Vikram Nath, J.

Sri Markandey Upadhyay and Sri Rishi Kant Rai, Advocates have filed their Vakalatnama on behalf of respondent Nos. 2 to 5. All the private respondents are represented. With the consent of the Counsel for the parties this petition is being finally heard at the stage of admission itself under the Rules of the Court.

2. Heard learned Counsel for the parties.

3. The argument advanced on behalf of the petitioners is firstly that they were not properly impleaded in the two revisions of the respondent Nos. 2 & 3 and 4 & 5 jointly filed before the Deputy Director of Consolidation. The second argument advanced is that the Deputy Director of Consolidation has allowed the revisions of the respondents without considering the case of the petitioners although they have been adversely affected by the impugned order.

4. Learned Counsel for the respondents has sought to justify the order of the Deputy Director of Consolidation and has submitted that in chak allotment disputes this Court may not interfere. It has further been submitted that the Deputy Director of Consolidation has given reasons for allowing the revisions.

5. From a perusal of the order of the Deputy Director of Consolidation it appears that the case of the petitioners (opposite parties in one of the revisions), has not been taken into consideration by the Deputy Director of Consolidation.

6. It is well settled that where chaks are to be altered and parties are to be adversely affected proper hearing to them and consideration of there cases should be given due importance. In the present case I find that the Deputy Director of Consolidation has not discussed the case of the petitioners (opposite parties in one of the revisions) and has allowed the revisions after taking into consideration the claim of the revisionist (respondents in the petition). Further in chak allotment proceedings it is not necessary that affected chak holder be made party but what is important is that due opportunity be given. In the present case the petitioners may not be impleaded in one of the revisions but as five of them were impleaded in the other revision and petitioner No. 6 being brother of petitioner Nos. 3 to 5, being duly represented and in any case now that the respondent No. 6 is aware of the revisions he may represent himself through his Counsel. As such the other argument of the petitioners also stands more or less accepted and petitioners will have an opportunity of hearing before the Deputy Director of Consolidation.

7. In view of the above discussion petition succeeds and is allowed. The order of the Deputy Director of Consolidation dated 23.9.2010 passed in Revision Nos. 1401 and 1533 is hereby quashed and the matter is remitted to the Deputy Director of Consolidation, Ghazipur to decide the revisions afresh in accordance with law after affording due opportunity of hearing to the parties. Effort should be made by the Deputy Director of Consolidation to decide the revisions within a period of four months from the date of production of certified copy of this order.