

(1986) 01 AHC CK 0039

Allahabad High Court (Lucknow Bench)

Case No: Writ Petition No. 167 of 1983

Collector

APPELLANT

Vs

D.D.C., Sitapur

RESPONDENT

Date of Decision: Jan. 20, 1986

Acts Referred:

- Uttar Pradesh Consolidation of Holdings Act, 1953 - Section 19(1), 48

Hon'ble Judges: K.N.Misra, J

Final Decision: Dismissed

Judgement

K.N. Misra, J.

Heard learned counsel for the petitioner and perused the impugned order dated 211282 by which Dy. Director of Consolidation, Sitapur has made alterations in the chaks of the parties.

2. Learned counsel for the petitioner, Sri P.L. Misra, urged that by the impugned order, chak of the petitioner has been reduced in area by more than 25%. He has thus urged that the allotment is violative of the provisions contained in the proviso to section 19(1) of the U.P. Consolidation of Holdings Act, and so deserves to be quashed. I am unable to agree with this contention. In this case I find that the Dy. Director of Consolidation, by the impugned order, has made appropriate alterations in the chaks of the parties. If the area of the allotted chak of the petitioner stand reduced by more than 25% of the original holding the permission would be deemed to have been accorded to it by the Dy. Director of Consolidation who exercises his power as Director of Consolidation under the Act, and, as Such, the impugned order cannot be said to be illegal or without jurisdiction. Learned Dy. Director of Consolidation has allotted chak to the petitioner on his original plot, and, as such no case is made out for interference by this court in exercise of power under Art. 226 of the Constitution.

3. In the result, the writ petition fails and is, accordingly, dismissed. The adinterim order of stay dated 12183 is hereby vacated. No order as to costs.

[Petition dismissed]