

(2003) 02 AHC CK 0072

Allahabad High Court

Case No: C.M.W.P. No. 5086 of 2003

Jitendra Kumar

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: Feb. 4, 2003

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2003) 2 AWC 1002

Hon'ble Judges: S.K. Singh, J

Bench: Single Bench

Advocate: Nigmendra Shukla, for the Appellant;

Final Decision: Disposed Of

Judgement

@JUDGMENTTAG-ORDER

S.K. Singh, J.

Heard learned counsel for the petitioner and learned Standing Counsel.

2. In view of the facts and circumstances, submissions as made and the relief as is being claimed in this petition, it appears that no useful purpose will be served by keeping this petition pending and thus after hearing learned counsel for the petitioner and standing counsel, this petition is being finally disposed of.

3. Challenge before this Court is the order dated 2.9.1998 passed by the Settlement Officer, Consolidation which was found to be farzi and has been ordered to be cancelled. The petitioner moved an application for getting copy of that order which was also not given. Petitioner appears to have approached the District Magistrate, Bulandshahr by filing an application, copy of which has been annexed as Annexure-2 to the writ petition by which the petitioner has prayed that he was allotted the land and he was in possession but the Settlement Officer, Consolidation, without giving an opportunity, has cancelled the amaldaramad which stood in

favour of the petitioner.

4. Be that as it may, the claim of the petitioner in respect to the land in dispute, is dependent on adjudication of various factual aspects : (i) grant of any valid allotment in his favour ; (ii) its subsistence/valid continuance, and (iii) passing of the order by the Settlement Officer, Consolidation on the premises that amaldaramad is farzi and thus this Court at this stage cannot be in a position to examine and adjudicate all these aspects and thus it will be better if the District Magistrate, Bulandshahr is called upon to take appropriate decision in accordance with law in respect to the rights/claim of the petitioner in relation to the land in dispute by speaking order, after an opportunity to him.

5. Accordingly, this petition is disposed of by giving a direction to the District Magistrate, Bulandshahr that in the event petitioner files a fresh representation in respect to his claim in relation to the land in dispute within a period of two weeks from today along with certified copy of this order, then that will be attended and appropriate decision in accordance with law after examining the record shall be taken preferably within a period of two months from the date of receipt of certified copy of this order. It is made clear that this Court has not applied its mind and examined the matter on merits and it is for the District Magistrate to take appropriate decision, as directed above.

6. With the aforesaid direction writ petition is finally disposed of.