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Vibhuti Narayan and Others Vs State of U.P. and Others

Court: Allahabad High Court

Date of Decision: Sept. 22, 2011

Acts Referred: Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 â€" Section 168A

Hon'ble Judges: Pratap Sahi, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Pratap Sahi, J.
Heard Learned Counsel for the Petitioner.

2. A transfer of agricultural land took place and the Petitioners are the vendees of the Respondent Nos. 4 and 5. The said transaction was found to

be in violation of the provisions of Section 168-A of the U.P. Zamindari Abolition & Land Reforms Act 1950. The Petitioner contested the said

infirmity up to the Board of Revenue and his revision came to be dismissed vide order dated 8.3.1995; a copy of the order has been placed on

record as Annexure-2.

3. Later on certain provisions were introduced by the State Government extending the benefit of regularisation of such transaction on certain

deposits being made by a particular date. The Petitioner in terms of such a benefit extended, applied for the regularisation of the transaction on

which orders came to be passed by the Sub-Divisional Magistrate on 18.6.2010. Learned Counsel contends that the deposit of Rs. 1,000/- has

also been made.

4. The Petitioner appears to have been advised to file a review application before the Board of Revenue for setting aside the earlier order dated

8.3.1995. The said review application has been rejected on 17.6.2011 and it is the said order as well as the order dated 8.3.1995 which are

under challenge. Leaned counsel submits that the review ought to have been accepted and the order dated 8.3.1995 ought to have been set aside

so as to enable the Petitioner to receive the benefit of the subsequent Government Orders permitting regularisation of such transactions.

5. Sri Chauhan, Learned Counsel for the Gaon Sabha and learned Standing Counsel contend that this benefit was not available as on the date of

the order passed by the Board of Revenue on 8.3.1995 and, therefore, any subsequent legislation would not entitle the Petitioner to seek review of

an order that had been passed earlier. Even otherwise, the earlier judgment would not be an obstruction in the passage of the Petitioner to seek

any benefit under the subsequent Government Orders if otherwise the Petitioner is entitled for any such benefit.

6. In the opinion of the Court, the submission raised on behalf of the Respondents deserves to be accepted inasmuch as there being no error

apparent on the face of record or otherwise no ground of review was available to the Petitioner. The order of the Board dated 17.6.2011 does not

require any interference.

7. However, the dismissal of the review application will not obstruct the rights of the Petitioner to claim any status which any subsequent legislation

may confer on the Petitioner and it shall be open to the Petitioner to avail of such remedy if permissible in law.

8. With the aforesaid observations, the writ petition is dismissed.