

(2014) 01 AHC CK 0080

Allahabad High Court

Case No: Writ-B No. 2726 of 2014

Anathalaya and Another

APPELLANT

Vs

Board of Revenue and Others

RESPONDENT

Date of Decision: Jan. 17, 2014

Citation: (2014) 122 RD 478

Hon'ble Judges: Ran Vijai Singh, J

Bench: Single Bench

Advocate: Pradeep Kumar Rai, Advocate for the Appellant; B.P. Singh Kachhawah, Advocate for the Respondent

Final Decision: Disposed Off

Judgement

Ran Vijai Singh, J.

Heard Sri P.K, Rai, learned Counsel for the petitioners, learned Standing Counsel and Sri B.P. Singh Kachhawah, learned Counsel appearing for the private respondents. By means of this writ petition, the petitioners have prayed for issuing a writ of certiorari quashing the orders dated 8.10.2013 and 25.10.2004 passed by learned Member Board of Revenue, U.P. Allahabad and Uppar Zila Adhikari (Prashashan) Muzaffar Nagar respectively.

2. It appears on a miscellaneous application filed by the villagers for removal of encroachment over khata No. 205 area 3.240 hectare and khata No. 239 measuring about 0.9700 hectare, total 4.2100 hectare, the Additional District Magistrate (Administration) Muzzafar Nagar has directed to make an inquiry and in case, the possessions of the respondents are found to be illegal over the gaon sabha land, the same may be removed and appropriate action be taken against the unauthorized occupants. Challenging this order, the petitioners have filed revision before the Board of Revenue. The revision has been dismissed with the observation that the petitioners have remedy before the Additional District Magistrate {Administration} itself.

3. In the submission of learned Counsel for the petitioners, the village is under consolidation operation and in respect to the same land, an appeal, filed by the petitioners, is pending before the Settlement Officer Consolidation. In his submissions, once the village is under consolidation operation, the revenue authorities have no jurisdiction to proceed with the matter as the matter is seized up with the consolidation authorities.

4. Having heard learned Counsel for the petitioners, I do not find any illegality in the order passed by the learned Member Board of Revenue. The petitioners are at liberty to raise all these objections before the Additional District Magistrate (Administration) before whom the matter is pending. In case, such objection is filed, that may be dealt with in accordance with law within a period of three months from the date of receipt of certified copy of the order of this Court after hearing all concerned. The writ petition is disposed of.