
(2014) 08 AHC CK 0122

Allahabad High Court

Case No: Writ-B No. 34707 of 2014

Ramanand

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: Aug. 1, 2014

Citation: (2014) 125 RD 207

Hon'ble Judges: Anjani Kumar Mishra, J

Bench: Single Bench

Advocate: Umesh Kumar Dubey, Advocate for the Appellant

Judgement

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Anjani Kumar Mishra, J.

Supplementary affidavit filed today is taken on record. Heard Shri Umesh Kumar Dubey, learned Counsel for the petitioners and the learned Standing Counsel for the State respondents.

2. This writ petition arises out of proceedings for allotment of chaks and has been filed against the order dated 24.4.2014 passed by the Deputy Director of Consolidation in revision No. 644, Smt. Phulari Devi v. Vijai Bahadur. By this order, a revision filed by the contesting respondent has been allowed and the revisionist has been allotted chak on her original plot No. 300 on the ground that such allotment would provide her access to the village pathway and also on the ground that this plot is near her abadi.

3. Learned Counsel for the petitioner has assailed this order on two grounds. First, that plot No. 300 was not the original holding of the contesting respondent in the writ petition, the revisionist in the Court below and, therefore, the reason given by the Deputy Director of Consolidation for allowing the revision is illegal and contrary to the record.

4. The second submission made by the learned Counsel for the petitioner relying on the appellate order is that demand of the contesting respondent was turned down by the Appellate Court on the ground that accepting the same would result in increase in the number of chaks to four, which is not permissible under law.

5. I have considered the submission made by the learned Counsel for the petitioner and have perused the record as also the CH Form 23 of the parties which has been filed today by means of a supplementary affidavit. Perusal of CH Form 23 of Phulari Devi Chak Holder No. 168 shows that plot No. 300/1 was one of her original holdings having an area of 0.938.

6. It is, therefore, clear that the submission of the learned Counsel for the petitioner that plot No. 300 is not original holding of Phulari Devi is misconceived and contrary to the record.

7. As regards, the second submission which has been made relying upon the order passed by the Settlement Officer, Consolidation, it is evident from the record that Phulari Devi had been proposed three chaks. Her demand was that the chak on plot No. 330 which was wholly udan chak (plot No. 330 being original holding of the petitioner) be abolished and valuation be allotted on plot No. 300 which was original holding. The Settlement Officer, Consolidation has also observed that Smt. Phulari Devi has been proposed a chak on plot No. 300.

8. In case, one chak is abolished and the resulting valuation is included in another chak already proposed, this will decrease the number of chak and not increase them. The observation made by the Settlement Officer, Consolidation is, therefore, not correct. In fact by the impugned order, it appears that number of chaks allotted to the contesting respondent have been reduced from three to two and for this reason there is no force in the second submission of the learned Counsel for the petitioner. Accordingly and for the reasons given above, the writ petition lacks merits, and is dismissed.