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Rajveer Vs State of U.P.

Writ-C No. 28381 of 2014

Court: Allahabad High Court

Date of Decision: July 25, 2014

Citation: (2014) 124 RD 571

Hon'ble Judges: Ran Vijai Singh, J

Bench: Single Bench

Advocate: S.P. Sharma, Advocate for the Appellant

Final Decision: Disposed Off

Judgement

Ran Vijai Singh, J.
Heard Sri S.P. Sharma, learned Counsel for the petitioner and the learned standing Counsel for the respondents. This

writ petition has been filed for issuing a writ of certiorari quashing the order dated 20.5.2013 passed by the Additional Commissioner

(Administration) Meerut in Revision No. 77/2011-12 (Horam and others v. State and others) and the order dated 9.5.2011 passed by the Sub

Divisional Officer, Shikarpur, Bulandshahar on the application of the petitioner pursuant to the direction given by this Court on 7.3.2011 in Writ

Petition No. 12705 of 2011 (Nirmala Devi v. State of U.P. and others). Further prayer has been made for issuing a writ of mandamus directing the

respondents to approve the resolution dated 24.6.2010 passed by the Gram Panchayat, Lohera, Shikarpur, district Bulandshahar.

2. On 21.5.2014, learned standing Counsel was directed to seek instruction. Pursuant thereto learned standing Counsel has sought instruction.

3. The facts giving rise to this case are that with respect to the land in dispute a resolution was passed for grant for lease in favour of the petitioner

as well as other villagers on 17.12.1999 by the Gaon Sabha. The said resolution was approved by the Sub Divisional Officer on 26.2.2000. For

the same land a fresh resolution in favour of the petitioner and other villagers was passed on 24.6.2010 by the Land Management Committee.

4. Learned Standing Counsel on the basis of the instructions received states that against the approval dated 26.2.2000 a revision was filed before

the Board of Revenue and the said revision is still pending. In case the present proposal is approved and in future the revision filed before the

Board of Revenue is allowed there would be no land for implementing the order passed by the Board of Revenue. The Sub Divisional Officer vide

order dated 9.5.2011 has rejected the proposal on the ground that the revision is pending before the Board of Revenue. The petitioner filed a

revision that has been dismissed holding it to be not maintainable.

5. The apprehension of the learned Counsel for the petitioner is that pending revision before the Board of Revenue in case fresh proposal is made

in favour of other persons the petitioner will be deprived of the fruit of the resolution dated 17.12.1999. The apprehension of the learned Counsel

for the petitioner appears to be misconceived for the simple reason that the impugned order dated 9.5.2011 has been passed on the premises that

for the same land proposal was made in the year 1999 and that was approved by the Sub Divisional Officer in the year 2000. Challenging the

approval a revision was filed which is pending before the Board of Revenue, therefore, no such approval can be made on the present proposal for

the same piece of land. However, with a view to wipe out the apprehension of the petitioner the writ petition is disposed of by observing that

without there being any final decision by the Board of Revenue in the pending revision no fresh allotment shall be made on the same part of the land

which is part of the resolution dated 17.12.1999 which was approved by the Sub Divisional Officer on 26.2.2000.