

Court No. - 28

Case :- WRIT - C No. - 33831 of 1996

Petitioner :- Om Prakash Dubey

Respondent :- Addl. Commissioner(Admin) Gorakhpur Division
& Others

Counsel for Petitioner :- K.D.Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Sudhir Agarwal,J.

The writ petition is directed against the orders dated 1.6.1989 (Annexure No.5), 20.8.1986 (Annexure No.6) and 12/17.7.1996 (Annexure No.8 to the writ petition). By means of order dated 1.6.1989 (Annexure No.5 to the writ petition) the Prescribed Authority pursuant to the notice issued under Section 10(2) of Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 has declared 2.40 acre of the irrigated land of the petitioner as surplus which order has been confirmed in appeal by order dated 20.8.1986. Learned counsel for the petitioner has submitted that later on while taking the possession the respondents have increased the area 2.40 acre to 3.56 acre which is not permissible. He refers Annexure No.7 wherein such declaration has been made by the Prescribed Authority on 20.8.1986. This order is not under challenge before this Court.

It appears that while appeal against the order dated 1.6.1989 was pending before Commissioner, the petitioner's counsel made submission therein that by order dated 20.8.1986 the area has been enlarged on the basis of alter numbers but this aspect has not been paid attention by the Commissioner while dismissing the Appeal No.159/152/D/ of 1989 filed against the order dated 1.6.1989.

I find no reason to interfere with the impugned orders. Dismissed. It is made clear that in case the respondents have made any alteration in the area of land declared surplus by order dated 1.6.1989 confirmed in appeal, it will be open to the petitioner to raise his grievance before the appropriate forum in accordance with law.

Order Date :- 18.5.2011

Kpy