

Court No. - 9

Case :- WRIT - B No. - 461 of 2019

Petitioner :- Asha Ram

Respondent :- Deputy Director Of Consolidation And 4 Others

Counsel for Petitioner :- Vivek Shandilya

Counsel for Respondent :- C.S.C.,Anand Kumar Yadav

Hon'ble Anjani Kumar Mishra,J.

Heard learned counsel for the petitioner and learned counsel for the Gaon Sabha.

The instant writ petition is directed against the order dated 23.05.2018 passed by the Deputy Director of Consolidation, the order dated 28.06.2017 passed by the Settlement Officer of Consolidation and the order dated 05.03.1981 passed by the Consolidation Officer, passed in chak allotment proceedings.

The Deputy Director of Consolidation has dismissed the revision of the petitioner on the ground that in the earlier round of litigation an appeal filed by the petitioner has been allowed allotting him a chak of Bachat land on plot no. 367.

This order has been set aside on the ground that Bachat land has already been allotted in favour of certain allottees of the Gaon Sabha who were neither parties nor were heard before their land was included in the chak of the petitioner. It is also observed that such a modification could not have been made without cancellation. The allotment made in favour of the allottees by the Gaon Sabha.

Admittedly, the allotment in favour of the allottees had been made on 24.02.1998 and that appellant order is dated 11.05.1988.

Under the circumstances there is no illegality or perversity in the finding of fact record by the courts below.

Even otherwise as is clear from the perusal of the record, plot no. 367 has been left as Bachat land.

This implies that this plot in issue is part of land deducted from the holding of tenure holders for which a provision is contained in the Consolidation and Holdings Act. This deduction must necessarily have been made while preparing the statement of Principles under Section 8-A of the Act. It therefore, also follows that no objection was filed by the petitioner u/s 9B

against the statement of Principles. It is settled law that an objection which ought to have been filed u/s 9B cannot be raised in chak allotment proceedings and if raised it is to be rejected.

Under the circumstances, in my considered opinion the orders impugned are perfectly justified and call for no interference.

Accordingly, the writ petition is without merit. It is liable to be and is hereby, dismissed.

Order Date :- 28.2.2019

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