

Rajesh Kumar Vs. Addl Commissioner

Rajesh Kumar Vs. Addl Commissioner

SooperKanoon Citation : sooperkanoon.com/1115620

Court : Allahabad

Decided On : Aug-29-2012

Judge : Sanjay Misra

Appeal No. : Writ - C No. 42885 of 2012

Appellant : Rajesh Kumar

Respondent : Addl Commissioner

Advocate for Def. : Sri. Sudama Ji Sandilya

Advocate for Pet/Ap. : Sri. Anish Kumar Singh

Judgement :

1. HEARD Sri Anish Kumar Singh, learned counsel for petitioner, learned Standing Counsel on behalf of respondents no. 1 and 2 and Sri D.D.Chauhan on behalf of the respondent no.3, Land Management Committee as also Sri Sudama Ji Sandilya, who has filed his power on behalf of respondent no. 4 today.?

Let the power be taken on record. Since all the respondents are represented, the writ petition is being decided finally today itself. By means of this writ petition, the petitioner prays for quashing of the order dated 27.02.2012 passed by the Additional Commissioner, Kanpur Division Kanpur in Revision No. 34 of 2012, Rajesh Kumar vs. Sunil Kumar Singh and others, under Section 333 of the U.P.Zamindari Abolition and Land Reforms Act (for short 'the Act') as also the

order dated 19.12.2011 passed by the Sub Divisional Magistrate, Auraiya in Case No. 2 of 2010-11, Sunil Singh vs. Gaon Sabha and others, under Section 161 of the Act.

2. LEARNED counsel for petitioner has referred to paragraphs 8,9 and 10 of the writ petition to state that the petitioner is a landless labourer belonging to scheduled caste and is an eligible person for grant of patta but the respondent no. 4, Sunil Singh in collusion with the respondent no. 3, Land Management Committee has ensured that the patta is not granted to the petitioner?

and on the other hand the respondent no. 4 has filed an application under Section 161 of the Act for exchange of certain land with the respondent no. 3.?

He states that the said application has been allowed by the impugned order dated 19.12.2011 against which the petitioner being an eligible person for grant of patta filed Revision No. 34 of 2012, Rajesh Kumar vs. Sunil Kumar Singh and others, which revision has been rejected by the Additional Commissioner, Kanpur Division Kanpur by his order dated 27.02.2012 illegally hence this writ petition. According to learned counsel for petitioner, the exchange of land made between the respondent no. 4 and the respondent no. 3 has deprived the petitioner of allotment of land in his favour.

Sri Sudama Ji Sandilya, learned counsel for the respondent no. 4 has submitted that the petitioner has not shown any prejudice that has been caused to him by exchange of land?

between the respondent no. 4 and the respondent no. 3.?

He states that admittedly the respondent no. 4 has exchanged its land with the Gaon Sabha and it is an exchange of land with the Gaon Sabha under Section 161 of the Act and as such it cannot be said that the respondent no. 4 has acquired any land other than that which is subject matter of exchange and hence, it cannot be held that the impugned orders are illegal in any manner whatsoever.?

He further states that the petitioner has not shown prejudice, if any, caused to him by the said exchange and therefore, the revisional court has rightly rejected his

revision. Having considered respective submissions of learned counsel for the parties and perused the record, it appears that the petitioner is aggrieved against the order of exchange under Section 161 of the Act between the respondent no. 4 and the respondent no. 3 and the revisional court has recorded that the revisionist has not been able to show or make out any ground as to how he is affected by such exchange between the respondent no. 4 and the respondent no. 3. As such no interference is required in the impugned orders at the instance of the petitioner. In case the petitioner claims to be a scheduled caste person and is?

entitled to allotment of any land being a landless labourer, he is always at liberty to apply for the same before the competent authority in accordance with law, but he cannot maintain these proceedings since he has not been able to show any prejudice that has been caused to him by exchange of land between the respondent no. 4 and the respondent no. 3.?

As such, there is no error in the impugned revisional order and it requires no interference at the instance of the petitioner.?

The writ petition lacks merit, therefore, it is dismissed. No order is passed as to costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com