

Ram Dulare and Others Vs. State of U.P and Others

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Court : Allahabad

Decided On : May-04-2001

Reported in : 2001(3)AWC2115

Judge : I.M. Quddusi, J.

Acts : [Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950](#) - Sections 122C(6)

Appeal No. : Writ Petition No. 1270 (M/s) of 2001

Appellant : Ram Dulare and Others

Respondent : State of U.P and Others

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Karunakar Srivastava and ;Vishnu Srivastava, Adv.

Judgement :

M. Quddusi, J.

1. Heard learned counsel for the petitioners and the learned standing counsel.

2. This writ petition has been filed against the order dated 17.3.2001 passed by the Additional Collector in Case No. 2/5/26/26/32 under Section 122 C (6) of the U.P.Z.A. and L.R. Act. by means of which the allotment of the land in question

had been cancelled which was made in favour of the petitioners and the allotted land of the petitioners is on road side. It appears to be commercial one, while the allotment was made for the purpose of the construction of residence as the petitioners are poor persons. The petitioner Nos. 1 and 2 belong to Scheduled Castes and petitioner Nos. 3 and 4 belong to Other Backward Class. They are poor and needy persons.

3. Considering the facts and circumstances of the case, if once allotment was made in favour of the petitioners and thereafter it was cancelled, then it is the duty of the Land Management Committee as well as the S.D.O./Assistant Collector to provide an alternative land to the petitioners.

4. In view of the above facts and circumstances of the case, this Court has come to the conclusion that the order dated 17.3.2001 passed by the Additional Collector, Balrampur, is liable to be upheld subject to the condition that the petitioners be allotted alternative land in village PJpra Ram, Pargana and tehsil-Utraula, district-Balrampur by the Land Management Committee and the S.D.O. concerned.

5. Therefore, a writ in the nature of mandamus is issued commanding the S.D.O., Collector and Land Management Committee to allot alternative land to the petitioners in village in question within a period of one month from the date of production of a certified copy of this order. The S.D.O., Utraula, district Balrampur and the Collector, Balrampur shall ensure the compliance of this order.

6. The writ petition stands disposed of with the above directions.