

Subba and anr. Vs. Deputy Director of Consolidation and anr.

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Court : Allahabad

Decided On : Apr-02-2008

Reported in : 2008(3)AWC2793

Judge : Ashok Bhushan, J.

Appellant : Subba and anr.

Respondent : Deputy Director of Consolidation and anr.

Advocate for Def. : Sri. Rahul Sahai

Advocate for Pet/Ap. : Sri. Abhishek Kumar

Disposition : Writ petition dismissed

Judgement :

Ashok Bhushan, J.

1. Heard Sri Abhishek Kumar, learned Counsel for the petitioner and Sri Rahul Sahai, learned Counsel for the contesting respondents.

2. By this writ petition, the petitioner has prayed for quashing the order dated 27.7.2007, passed by the Deputy Director of Consolidation rejecting the objection raised by the petitioners regarding maintainability of the revisions filed by the respondent No. 2 before the Deputy Director of Consolidation under Section 48 of

the U.P. Consolidation of Holdings Act, 1953 and the order dated 18.10.2007 by which the application to recall the order dated 27.7.2007 has also been rejected.

3. Brief facts necessary for deciding the issues raised in the writ petition are: the Consolidation Officer passed an order under Rule 109 of the U.P. Consolidation of Holdings Rules, 1954. Against the aforesaid order, an appeal was filed by the respondents which was dismissed by the Settlement Officer, Consolidation. In the revision, objection was raised by the petitioners that revision is not maintainable under Section 48 of the U. P. Consolidation of Holdings Act, 1953. The Deputy Director of Consolidation by order dated 27.7.2007 overruled the objection and held the revision maintainable. Again the petitioner moved an application for recall of the order of the Deputy Director of Consolidation taking the ground that during the arguments reliance had been placed on Rule 109 (3) by which the order of the Settlement Officer, Consolidation had been made final hence, the revision did not lay but the said argument had not been considered by the Deputy Director of Consolidation. The Deputy Director of Consolidation rejected the application by order dated 18.10.2007 holding that earlier order having been passed after hearing the parties, deciding the issue of maintainability of revision, the same cannot be permitted to be raised again. This writ petition has been filed challenging the aforesaid order of the Deputy Director of Consolidation.

4. Sri Abhishek Kumar, learned Counsel for the petitioner contended that the order passed by the Settlement Officer, Consolidation has been given finality under Rule 109 (3) of the U.P. Consolidation of Holdings Rules, 1954 hence, the revision under Section 48 of the Act is barred. Reliance has been placed by learned Counsel for the petitioner on the judgment of the Apex Court in the case of Aundal Ammal v. Sadasivan Pillai : 1973 CriLJ270 ; Jetha Bai and sons, New Town Cochin etc. etc. v. Sunderdal Rathemal etc. etc. (1988) 1 SCJ 598 and Commissioner of Sales Tax, U.P. v. Super Cotton Bowl Refilling Works : 1989(40)ELT247(SC) .

5. Sri Rahul Sahai, learned Counsel for the respondents refuting the submission of learned Counsel for the petitioner contended that Section 48 of the Act is wide enough to examine the correctness, legality or propriety of any order or of any

case decided by subordinate authority hence, the order passed by the Settlement Officer, Consolidation under Rule 109 is also subject to such scrutiny. He further submits that the power of Section 48 of the Act cannot be whittled down by the provision of Rule 109 (3). Reliance has been placed by learned Counsel for the respondent on the judgment of the Full Bench of this Court in the case of Shah Chaturbhunj v. Shah Mauji Ram : AIR1938 All456 ; Smt. Devi v. Board of Revenue, U.P. at Allahabad 1972 RD 228 and Ram Pujan and Ors. v. Dy. Director of Consolidation, Ghazipur and Ors. 2000 (91) RD 43 : 2000 (3) AWC 1950.

6. I have considered the submission of the learned Counsel for the parties and have perused the record.

7. The issue which has arisen in the present writ petition is as to whether against an order passed by the Settlement Officer, Consolidation in appeal under Rule 109, a revision is maintainable under Section 48 of the Act before the Deputy Director of Consolidation or not. Section 48 of the Act and the relevant Rule 109A are as follows:

48. Revision and reference.- (1) The Director of Consolidation may call for and examine the record of any case decided or proceedings taken by any subordinate authority for the purpose of satisfying himself as to the regularity of the proceedings ; or as to the correctness, legality or propriety of any order other than interlocutory order passed by such authority in the case of proceedings and may, after allowing the parties concerned an opportunity of being heard, make such order in the case of proceedings as he thinks fit.

(2) Powers under Sub-section (1) may be exercised by the Director of Consolidation also on a reference under Sub-section (3).

(3) Any authority subordinate to the Director of Consolidation may, after allowing the parties concerned an opportunity of being heard, refer the record of any case or proceedings to the Director of Consolidation for action under Sub-section (1).

Rule 109A. (1) Order passed in cases covered by Sub-section (2) of Section 52 shall be given effect to by the consolidation authorities, authorised in this behalf

under Sub-section (2) of Section 42. In case there be no such authority, the Assistant Collector-incharge of the subdivision, the Tahsildar, the Naib-Tahsildar, the Supervisor Kanoongo, and the Lekhpal of the area to which the case relates shall respectively, perform the functions and discharge the duties as the Settlement Officer, Consolidation, Consolidation Officer, the Assistant Consolidation Officer, the Consolidates and the Consolidation Lekhpal respectively for the purpose of giving effect to the order, aforesaid.

(2) If the purpose of giving effect to an order referred to in Sub-rule (1) it becomes necessary to reallocate affected chaks, necessary orders may be passed by the Consolidation Officer, or the Tahsildar, as the case may be, after affording proper opportunity of hearing to the parties concerned.

(3) Any person aggrieved by the order of the Consolidation Officer, or the Tahsildar, as the case may be, may, within 15 days of the order passed under Sub-rule (2), file appeal before the Settlement Officer, Consolidation or the Assistant Collector-incharge of the sub-division, as the case may be, who shall decide the appeal and after affording reasonable opportunity of being heard to the parties concerned, which shall be final.

(4) In case delivery of possession becomes necessary as a result of orders passed under Sub-rule (2) or Sub-rule (3), as the case may be, for the provisions of Rules 55 and 56 and shall, *mutatis mutandis*, be followed.

8. Section 48 of the Act is couched in a very wide language and confers the powers upon the Director of Consolidation to call for and examine the record of any case decided or proceedings taken by any subordinate authority. The power under Sub-section (1) can be exercised both *suo motu* or on an application filed by any person as well as on a reference made by any authority subordinate to Director of Consolidation under Sub-section (3) of Section 48, Explanation (1) provides that for the purpose of Section 48 Settlement Officer, Consolidation shall be treated to be subordinate to Director of Consolidation. Thus, on a plain reading of the language of Section 48, for an order passed by Settlement Officer, Consolidation who is explained to be subordinate to the Director of Consolidation, there is no exception to such exercise of power except in respect to interlocutory

orders which has been added by U. P. Land Laws (Amendment) Act No. 20 of 1982. The power of revision conferred upon Director of Consolidation is to be exercised with regard to any case decided or proceedings taken.

9. Rule 109A Sub-rule (3) which is sheet anchor of the submission of learned Counsel for the petitioner provides that any person aggrieved by the order of the Consolidation Officer, or the Tahsildar, may file appeal before the Settlement Officer, Consolidation or the Assistant Collector who shall decide the appeal after affording reasonable opportunity of being heard to the parties concerned, which shall be final. The similar provisions are contained in several other statutes including U.P. Zamindari Abolition and Land Reforms Act. 1950 and U.P. Zamindari Abolition and Land Reforms Rules, 1952. Such issues came up for consideration in context of U.P. Agriculturists Relief Act. 1934 also. Section 5 of the Act provides an appeal to a Court to which the Court passing the order under Sub-section (1) of Section 5 is subordinate and decision of the appellate court was treated to be final. In *Shah Chaturbhuj* (supra), the question arose as to whether an appellate order passed under Sub-section (2) of Section 5 can be challenged in the revision before the High Court under Section 115 of the C.P.C. on strength of Sub-section (2) of Section 5. It was contended before the Full Bench that the order was not revisable since finality was not attached under Section 1934 Act. Following was laid down by the Full Bench:

By Clause (2), Section 5, a judgment-debtor is no doubt placed in a more favourable position than a decree-holder in the matter of appeal and a right of appeal is not given to a decree-holder against an order passed under Clause (1) of that Section. But the mere denial to the decree-holder of a right of appeal cannot warrant the inference that the Legislature intended to bar the revisional Jurisdiction of this Court. In the first place the remedy open to a litigant by means of an application in revision to this Court is a much narrower and restricted remedy than the remedy open to him by way of appeal. It follows that the mere fact that a right of appeal is denied to a litigant is no ground for holding that he is debarred from invoking the revisional jurisdiction of this Court. In the second place the Jurisdiction of this Court to revise the orders passed by the courts below is independent of a motion being made by a party to the case. This Court can of its

own motion exercise its revisional jurisdiction even though no application has been made for the revision of the order passed by a subordinate Court. The fact that a right of appeal is not given to the decree-holder cannot therefore in any way affect the jurisdiction vested in this Court by Section 115, Civil P.C.

In our Judgment the provision in Clause (2) of Section 5 that 'the decision of the appellate court shall be final' means no more than this that the order passed by the appellate court cannot be made the subject of a second appeal.

10. The Full Bench took the view that finality attached to an order passed under Section 5 (2) does not take away the right of revision given to the High Court.

11. Again a similar issue arose before the Division Bench in the case of Smt. Krishna Devi (*supra*). Before the Division Bench, a question was referred as to whether the revision lie to the Board of Revenue under Section 333 of the U. P. Zamindari Abolition and Land Reforms Act against an order of the Assistant Collector passed under Rule 115N of the U. P. Zamindari Abolition and Land Reforms Rules. Section 333 of the U. P. Zamindari Abolition and Land Reforms Act and Rule 115N (before 1975) being relevant in the present context are being quoted hereinbelow:

333. Power of Board to call for cases.-The Board may call for the record of any suit or proceeding decided by any subordinate court in which no appeal lies or where an appeal lies by has not been preferred, and if such subordinate court appears:

(a) to have exercised a jurisdiction not vested in it in law, or

(b) to have failed to exercise a jurisdiction so vested, or

(c) to have acted in the exercise of jurisdiction illegally or with material irregularity,

the Board may pass such order in the case as it thinks fit.

Rule 115N.-(1) The Assistant Collector incharge of the subdivision shall, on the application of any person interested, filed, within three months of the date of auction, and may, at any time in his own motion, cancel for reasons to be recorded

in writing, the allotment order on one or more of the following grounds:

- (i) the bid accepted was inadequate ;
- (ii) the auction was collusive or unfair ;
- (iii) the auction proceedings were not followed in accordance with the rules;
- (iv) any other ground.

(2) No order under Sub-rule (1) shall be passed unless the allottee has been given an opportunity to show cause against the proposed action.

(3) The decision of the Assistant Collector incharge of the sub-division shall be final.

Provided that the limit of 250 sq. yds. shall not apply to case of allotment of land for construction of buildings in an area of waste land earmarked for a new abadi site and to cases of allotment for construction of building for a charitable purpose or for setting up a cottage industry in the existing abadi sites.

12. It is relevant to note that under Rule 115N (3) as it existed at the relevant time, the decision of the Assistant Collector was made final. The question before the Division Bench was as to whether revision lay. The Division Bench took the view that Rule 115N (3) by which finality is attached to the order of the Assistant Collector does not restrict the jurisdiction of the revisional court as conferred by Section 333 of U.P. Zamindari Abolition and Land Reforms Act, 1950. Following the judgment of the Full Bench in Shah Chaturbhuj (supra) following was laid down by the Division Bench in paragraph 11:

11. It is true that Rule 115N (3) provides that the decision of the Assistant Collector shall be final. It is well-settled that such finality does not restrict the revisional jurisdiction conferred upon higher Courts. In the case of Shah Chaturbhuj v. Manji Ram (2) a Full Bench of this Court interpreted the phrase 'the decision of revenue court shall be final' occurring in Section 5 of the U.P. Agriculturists Relief Act, 1934, as not depriving the higher Courts of revisional powers under Section 115 of the C.P.C. The Full Bench held that the finality

mentioned in the provision only meant that there was no right of appeal vesting in the litigants against such an order. In our opinion, this Full Bench decision equally applies to Section 333. The finality mentioned by Sub-rule (3) of Rule 115N cannot whittle down the amplitude of the revisional power conferred upon the Board of Revenue by Section 333 of the Z.A. and L.R. Act.

13. I had also an occasion to consider the similar issue in context of Rule 115P and Section 333 of the U. P. Zamindari Abolition and Land Reforms Act in the case of Wahajuddin v. Board of Revenue, U.P. at Allahabad 2002 (93) RD 186 : 2002 (1) AWC 833. Under Sub-rule (5) of Rule 115P, the order of the Collector was made final. The issue raised was as to whether against an order passed by the Collector under Rule 115P revision lay under Section 333 of the U. P. Zamindari Abolition and Land Reforms Act. Relying on the law laid down by the Division Bench in the case of Smt. Krishna Devi (supra) as well as Full Bench judgment in the case of Ram Swaroop v. Board of Revenue 1990 RD 291, following was laid down in paragraph 13:

The law laid down by the aforesaid Division Bench is fully applicable to an order passed by the Collector under Rule 115P. Thus, despite Sub-rule (5) of Rule 115P making the order of the Collector under Rule 115P final the revision is maintainable under Section 333 of the U.P. Zamindari Abolition and Land Reforms Act. In the present case, the application was filed under Rule 115P and the allotment is not claimed under Section 122C since the respondent No. 3 is neither agricultural labourer nor village artisan or member of the Scheduled Caste or Schedule Tribes. Thus, the order of the Collector is not referable to subsection (6) of Section 122C ; hence Sub-section (7) of Section 122C is not attracted and revision is maintainable under Section 333 against the order of the Additional Collector dated 23.3.1990.

14. The Full Bench judgment of this Court in the case of Ram Swaroop (supra) is also necessary to be noted. The question arose in the Full Bench was as to whether the order passed by the Commissioner under Rule 285-I of U. P. Zamindari Abolition and Land Reforms Rules is amenable to revisional jurisdiction before the Board of Revenue under Section 333 of the U.P. Zamindari Abolition

and Land Reforms Act. Rule 285-I is as follows:

285-I. (i) At any time within thirty days from the date of sale, application may be made to the Commissioner to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it; but no sale shall be set aside on such ground unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of such irregularity or mistake.

(ii) The order of the Commissioner under this rule shall be final.

15. The finality is also attached to an order passed by the Commissioner under Rule 285-I by virtue of Sub-rule (ii) of Rule 285-I. Despite that finality, the Full Bench held that the order of the Commissioner was subject to revisional jurisdiction of the Board of Revenue under Section 333 of the U.P. Zamindari Abolition and Land Reforms Act.

16. The Apex Court in the case of Aundal Ammal (*supra*) relied by learned Counsel for the petitioners, considered the provisions of Sections 18 and 20 of the Kerala Buildings (Lease and Rent Control) Act, 1965. Under Section 18 (b), the decision of the appellate authority and subject to such decision an order of the Rent Controller was made final except as provided in Section 20. Section 20 provided that where the appellate authority empowered under Section 18 is a subordinate Judge to the District Judge and in other cases the High Court may, at any time, on the application of any aggrieved party, call for and examine the records relating to any order passed or proceedings taken. In the case before the Apex Court, a revision was filed before the district court under Section 20 against the order of the Rent Control Appellate Authority which was dismissed then the revision was filed in the High Court under Section 115 of the C.P.C. In the above context, the Apex Court laid down that the revision was not maintainable in the High Court. The ratio of the judgment of the Apex Court is that since revision was already filed under Section 20 before the District Court, the second revision in the High Court is not maintainable. Following was observed in paragraph 15:

Under the Scheme of the Act it appears that a landlord who wants eviction of his tenant has to move for eviction and the case has to be disposed of by the Rent Control Court. That is provided by Sub-section (2) of Section 11 of the Act. From the Rent Control Court, an appeal lies to the Appellate Authority under the Conditions laid down under subsection (1) (b) of Section 18 of the Act. From the Appellate Authority a revision in certain circumstances lies in case where the appellate authority is a Subordinate Judge to the district court and in other cases to the High Court. In this case as mentioned hereinbefore the appeal lay from Rent Control Court to the appellate authority who was the Subordinate Judge and therefore the revision lay to the District Judge. Indeed it is indisputed that the respondent has in his case taken resort to all these provisions. After the dismissal of the revision by the District Judge from the appellate decision of the Subordinate Judge who confirmed the order of the Rent Controller, the respondent-landlord chose again to go before the High Court under Section 115 of the Code of Civil Procedure. The question is, can he have a second revision to the High Court? Shri Poti submitted that he cannot. We are of the opinion that he is right. This position is clear if Sub-section (5) of Section 18 of the Act is read in conjunction with Section 20 of the Act. Sub-section (5) of Section 18, as we have noted hereinbefore, clearly stipulates that the decision of the appellate authority and subject to such decision, an order of the Rent Controller 'shall be final' and 'shall not be liable to be called in question in any Court of law', except as provided in Section 20. By Section 20, a revision is provided where the appellate authority is Subordinate Judge to the District Judge and in other cases, that is to say, where the appellate authority is District Judge, to the High Court. The ambits of revisional powers are well-settled and need not be restated. It is inconceivable to have two revisions. The Scheme of the Act does not warrant such a conclusion. In our opinion, the expression 'shall be final' in the Act means what it says.

17. The above case is clearly distinguishable since in the relevant statute only one revision was contemplated either to the district court or to the High Court when one revision was filed before the district Court, the second revision was obviously barred.

18. The next case relied by learned Counsel for the petitioner in the case of Jetha Bai and Sons (supra) was also a case which considered the provisions of Section 20 of Kerala Buildings (Lease and Rent Control) Act, 1965. The Apex Court reiterated the same view as was taken in the case of Aundal Ammal (supra) and held that second revision before the High Court when one revision was taken before the district court, was not maintainable. The judgment in the case of Jetha Bat (supra) is also clearly distinguishable since a different issue fell for consideration before the Apex Court in the said case. The next judgment of the Apex Court in the case of Commissioner of Sales Tax (supra) was a case where the Apex Court had occasion to consider Section 35 (5) of U. P. Sales Tax Act, 1948. The question was as to whether revision lay to the High Court against an order passed by Commissioner of Sales Tax which had been the subject-matter of an appeal before the Tribunal. The Apex Court in the said judgment approved an earlier Division Bench Judgment of this Court in the case of Indo Lube Refineries v. Sales Tax Officer Sector-I, Gorakhpur (1987) 66 STC 145 (All):

19. The Apex Court noted the legislative history of Section 35 and noticed that earlier the appeal lay to the High Court against the order of the Commissioner, Sales Tax and by amendment U. P. Act No. 12 of 1999, the word 'High Court' has been deleted and substituted by the word Tribunal'. The Apex Court also noticed the constitution of the Tribunal which provided that Government from time to time appoint from amongst persons who have been or who are qualified to be Judges of the High Court and the persons who hold or held the post a post not below the rank of Deputy Commissioner of Sales-tax. Following was observed by the Apex Court in paragraph 8:

Section 10A deals with orders against which no appeal or revision lies and Section 10B stands for revision by the Commissioner of Sales-tax. Section 11, as mentioned hereinbefore, stands for revision by the High Court and has been amended from time to time. In the aforesaid background the question posed in those appeals will have to be examined in the light of the decision of the High Court. The High Court in its judgment under appeal after analysing the provisions of Section 35 observed that the Commissioner entered into the determination of the disputed questions. Sub-clause (2) of Section 35 of the Act, according to the

High Court, enjoins on the commissioner to decide the questions referred to him as he deems fit after giving the applicant an opportunity of being heard. Under Sub-clause (5) of Section 35 it has been stated that the decision given by the Commissioner of Sales-tax shall subject to an appeal to the Tribunal be final. The High Court while examining the Section noticed that when an appeal against the order passed under Section 35 of the Act is before the Tribunal, the appeal is to be heard and disposed of by a Bench of three members, although in regard to other appeals before the Tribunal these can be disposed of even by a single member or by a Bench consisting of two members. The High Court noted that under Sub-clause (5) of Section 35 of the Act prior to its amendment brought out by U.P. Act No. 12 of 1979, an appeal used to lie to the High Court against the order of the Commissioner of the Sales-tax. By the aforesaid amendment brought out by U.P. Act No. 12 of 1979, under Clause (5) of Section 35 the words 'High Court' have been deleted and substituted by the word 'Tribunal'. The learned Judge of the High Court observed that an appeal before the Tribunal was specially treated by the Legislature and it was enjoined that it should be disposed of by a Bench of not less than three members. The learned Judge noted that the Division Bench of the High Court in the case of *Indo Lube Refineries v. Sales-tax Officer, Sector-I, Gorakhpur* (1987) 66 TC 145 (All), had taken the view that an order passed by the Commissioner under Section 35 of the Act was an administrative order and in so doing he did not act as a Tribunal.

20. In the Sales Tax Act, Section 11 which was noticed by the Apex Court in the said judgment, the revision was provided in limited category of cases as enumerated in Section 11(1) and taking into consideration the provisions of Section 11 and Section 35, the Apex Court observed that revision was not contemplated against the order passed by the Commissioner. The provisions of revision contemplated under Section 48 of the U.P. Consolidation of Holdings Act, 1953 gives very wide power to the Deputy Director of Consolidation and is not limited to any category of cases and exclusion was only interlocutory orders. Thus, the revision provided under Section 11 of the Sales Tax Act, 1948 was a limited right of revision provided in a limited category of cases. Further only on the ground that case involves any question of law. Following was further observed in paragraph 11: In the scheme of the Act, in our opinion, it was enjoined that such

an appeal is to be heard by a Bench of three Judges. Where it was provided that the decision of the Commissioner would be final subject to an appeal to the Tribunal, in our opinion, it would be incorrect to contemplate that in such a situation a further revision under Section 11 lay to the High Court, Revision to the High Court in special cases under Section 11 is contemplated on the ground that the case involved a question of law. It may be mentioned that the High Court had mentioned that under Sub-clause (5) of Section 35 of the Act prior to its amendment that an appeal used to lie to the High Court against an order of the Commissioner of Sales-tax. By the aforesaid amendment brought forward by the U.P. Act 12 of 1979 under Clause (5) of Section 35 the words 'High Court' have been deleted and substituted by the word 'Tribunal'. It appears that the High Court was right, therefore, in holding that an appeal to the Tribunal against an order of the Commissioner lies. So far as the appeal before the Tribunal against the order passed under Section 35 is concerned, special treatment has been provided for by the Legislature. The Tribunal has come in place of the High Court in hearing the appeal. In such situation to contemplate when the language of the Section envisages that the order of the Commissioner would be final, subject to an appeal to the Tribunal that a further revision lay to the High Court would be unwarranted. As mentioned hereinabove, we have to find out the intention of the Legislature in such a situation. The intention of the Legislature is slippery phrase as observed in *Aron Salomon v. A. Solomon and Company Ltd.*, 1897 AC 22, 38 : See also observations in *Lord Howard departmental enquiry Walden v. Inland Revenue Commissioners* (1948) 2 All ER 825. In such cases it is better to find out the intention of the Legislature from the words used by the natural meaning of the words and the spirit and reason of the law. See Cross on Statutory Interpretation, Second Edition, page 21.

21. Thus, the judgment of the Apex Court in Commissioner of Sales Tax is also distinguishable and does not help the petitioners in the present case.

22. As noticed above, the Division Bench judgment in the case of Smt. Krishna Devi (supra) as well as earlier Full Bench judgment in the case of Shah Chaturbhuj (supra) had considered the similar issues in context of other Statutes despite the finality of the order as provided under U.P. Zamindari Abolition and Land Reforms

Rules. The Division Bench in the case of Smt. Krishna Devi (supra) held that revision under Section 333 of the U. P. Zamindari Abolition and Land Reforms Act, 1950 is not barred. The revisional power provided under Section 48 is equally extensive and wide, as revisional power under Section 333, U. P. Zamindari Abolition and Land Reforms Act, 1950. Hence, the above judgments apply to the facts, of the present case in full force. The Full Bench in the case of Ram Swaroop (supra) after noticing that finality has been attached to an order passed by the Commissioner under Rule 285-I, held that said order is revisable under Section 333 of U. P. Zamindari Abolition and Land Reforms Act, 1950.

23. The judgment in the case of Ram Pujan (supra) also fully supports the view taken by me in this case. In Ram Pujan's case same question fell for consideration as to whether an order passed in appeal under Rule 109A is revisable. This Court after considering the provisions of Section 48 of U.P. Consolidation of Holdings Act, took the view that Deputy Director of Consolidation can exercise the powers under Section 48.

24. In view of the above discussions, it is to be held that Director of Consolidation is not precluded from examining the correctness of an order passed by the Settlement Officer Consolidation under Rule 109 of the U. P. Consolidation of Holdings Rules. Although the Deputy Director of Consolidation in the impugned order has not considered the submissions raised by learned Counsel for the petitioner but in view of the fact that respective submissions have been examined in this writ petition, I do not find it a fit case to interfere in the impugned order, passed by the Deputy Director of Consolidation rejecting the objection of the petitioner regarding maintainability of the revision. In the result, the writ petition is dismissed.