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Jan Mohammad and ors. Vs. Deputy Director of Consolidation and ors.

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Court : Allahabad

Decided On : May-09-2006

Reported in : 2006(3)AWC2982

Judge : S.U. Khan, J.

Acts : Uttar Pradesh Zamindari Abolition and Land Reforms Act; Muslim Law

Appeal No. : Civil Misc. Writ Petition No. 24695 of 2006

Appellant : Jan Mohammad and ors.

Respondent : Deputy Director of Consolidation and ors.

Advocate for Def. : Anil Kumar Mishra and ;Anil Bhushan, Advs. and ;S.C.

Advocate for Pet/Ap. : A.K. Singh and ;M.P. Singh, Advs.

Disposition : Petition dismissed

Judgement :

S.U. Khan, J.

1. Heard learned Counsel for the petitioners. It appears that petitioners have got no chivalry. They are trying to usurp the land of a woman. Consolidation officer and Settlement Officer Consolidation decided the case in favour petitioners. Deputy Director of Consolidation very rightly set aside the said judgments in

revision No. 1 of 2005 decided on 9.3.2005. Right from 1356 fasli (1.7.48 to 30.6.49) till the basic-year the name of Chiragan was recorded and after the death of Chiragan name of his widow Smt. Phekani was recorded in the revenue records. It appears that when consolidation proceedings started, petitioners got an idea in their minds that they could usurp the property and filed objection saying that the property was jointly owned by husband of Smt. Phekani alongwith them. In India normally male people make efforts that name of lady tenure holders may not be included in the revenue records. However the same thing is not true in the reverse order. Ladies normally do not make any effort for deleting the name of their male co-sharers from the revenue records. The order passed by D.D.C. is not only perfectly legal but also eminently just. If it had been otherwise, occasion to interfere could have arisen.

2. Petitioners claimed that Chiragon was recorded in the revenue records in the representative capacity and they being his brothers were unrecorded co-sharers alongwith him. The D.D.C. rightly held that under Muslim Law there is no concept of joint family property. In consolidation matters such wild claims are after made. Presumption of correctness of revenue entries, particularly of 1356 fasli (which is most relevant year for the purposes of U.P.Z.A.& LR. Act) can not be lightly taken to have been rebutted particularly when it is sought to be rebutted by Males.

3. Writ petition is dismissed.

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