

Bano Vs. State of U.P. and ors.

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Court : Allahabad

Decided On : Sep-30-2008

Reported in : 2009(1)AWC120

Judge : Rajes Kumar, J.

Appellant : Bano

Respondent : State of U.P. and ors.

Disposition : Petition dismissed

Judgement :

ORDER

Rajes Kumar, J.

1. By means of the present writ petition, the petitioner is challenging the order dated 10.7.2008 passed by the Deputy Director of Consolidation, Bulandshahr by which she has dismissed the revisions filed by the petitioners.

2. Brief facts of the case are that the Consolidation Officer has passed the order dated 10.6.2008 after hearing all the parties. Against the said order it appears that no appeal has been filed. However, an application was moved by the petitioner for recalling of the order which has been allowed by the Consolidation Officer vide order dated 29.6.2001. The application for the mutation has also been allowed by

the Settlement Officer, Consolidation vide order dated 3.6.2002. Respondent No. 5, Lakshman Singh filed restoration application for the restorations of the order dated 29.6.2001. The said application was rejected on 4.6.2005. Being aggrieved by the order dated 29.6.2001 and 4.6.2005 passed by the Consolidation Officer, respondent No. 5 Lakshman Singh filed Appeal No. 1090. The Settlement Officer, Consolidation vide order dated 11.1.2007 allowed the appeal, set aside the order dated 29.6.2001 and restored the order dated 10.6.1998. Being aggrieved by the order, petitioner filed Revision No. 797. petitioner has also filed one Revision No. 798 against the order of the Settlement Officer, Consolidation dated 11.1.2007 in Appeal No. 26. It appears that Appeal No. 26 was filed by respondent No. 5, Lakshman Singh against the order dated 3.6.2002 passed by the Consolidation Officer directing for the mutation of the name of the petitioner. The said appeal was also allowed and the order dated 3.6.2002 has been set aside. By the impugned order, Revision No. 798 has also been dismissed. Being aggrieved by the order of the Deputy Director of Consolidation, present writ petition has been filed.

3. Heard learned Counsel for the parties.

4. Learned Counsel for the petitioner submitted that the orders of the Deputy Director of Consolidation and the Settlement Officer Consolidation are illegal and liable to be set aside.

5. Learned Counsel for the respondent submitted that the Deputy Director Consolidation as well as Consolidation Officer both have dealt with the matter on merit in detail and upheld the order dated 10.6.1998 passed by the Settlement Officer Consolidation which was passed after hearing all the parties concerned.

6. Having heard the learned Counsel for the parties, I have gone through the order of the Deputy Director Consolidation and the order of the Settlement Officer Consolidation.

7. I do not find any error in the orders. The orders have been passed after hearing both the parties. The Consolidation Officer has dealt the issue in detail and has upheld the order dated 10.6.1998. The findings recorded by the Deputy Director

Consolidation is finding of fact, which does not require any interference. Learned Counsel for the petitioner is not able to show that the findings are perverse or based on no material.

8. In the circumstances, writ petition fails and is, accordingly, dismissed.

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