

Court No. - 17

Case :- WRIT - C No. - 3000036 of 1994

Petitioner :- Rani Chandrawati Devi

Respondent :- District Magistrate/Collector, Bahraich And Others

Counsel for Petitioner :- A.R. Khan,Aasif Razzaque Khan

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. In the present writ petition, the ceiling proceedings, which were commenced by notice under Section 10 (2) of the U.P. Imposition of Ceiling on Land Holdings Act, 1960 issued to the petitioner and the orders passed by various authorities, subsequently have been questioned by the petitioner.

2. It has been submitted that before the Prescribed Authority, objection was filed by the petitioner stating that number of sale deeds has been executed by the petitioner in favour of private persons prior to the cut off date as well as subsequent to the cut off date and the prayer was made that the said transfer were bona-fide and for adequate consideration and with regard to the sale deed, which were executed prior to the cut off date, it was stated that the purchasers were in actual cultivatory possession of the said land, consequently a prayer was made to exclude the said land from the original holding of the petitioner. The prescribed authority after considering the objections filed by the petitioner, substantially allowed her claim and decided the said objections by means of order dated 08.05.1981. In the said order about 130 acres of land of the petitioner was declared as surplus out of proposed 200 acres.

3. The State Government being aggrieved by the order of prescribed authority dated 08.05.1981 had preferred an appeal

before the District Judge, Bahraich in Rent Appeal No. 244 of 1981. The said appeal was also dismissed on 21.11.1984. Against the said order of the appellate authority, a Writ Petition was filed before this Court being Writ Petition No. 1923 of 1985 (Ceiling) (State of U.P. Vs. Rani Chandrawati and others), as well as Writ Petition No. 2935 of 1985 (Ceiling) (State of U.P. Vs. Rani Chandrawati and others), which were dismissed by this Court on 02.12.2004 finding no infirmity with the order of appellate court. It is accordingly, the order of the prescribed authority dated 08.05.1981 attained finality.

4. In the present writ petition, the petitioner has prayed that despite the order of the prescribed authority having become final, the same has not been complied with by the prescribed authority and accordingly a prayer was made for an appropriate direction to be prescribed authority to comply with the order of the appellate authority.

5. On the other hand, learned Standing counsel has informed this Court that the similar issue had arisen with regard to the same orders in Writ C No. 3000005 of 2002 in Triloki and others Vs. State of U.P. and others where on the basis of instructions, the learned Standing Counsel had informed the Court that prescribed authority has complied with the order of the appellate authority and nothing remains to be decided and taking on record the statements made by learned Standing Counsel, the said writ petition was disposed of. It was stated that no further action has to be taken by the prescribed authority and the order of the prescribed authority, which has attained finality, has been complied with.

6. Order dated 20.04.2022 passed in Writ Petition No.3000005 of 2002 is quoted as below:-

"This Court, vide order dated 7.3.2022, directed the counsel for

the State to seek instructions as to whether the appellate order has been complied with or not.

Learned counsel for the State submits that as per the instructions dated 4th April 2022, the order passed by the Prescribed Authority has been complied with and the records have been corrected.

The instructions dated 4th April 2022 supplied by the learned counsel for the State is taken on record.

Having heard learned counsel for parties and after perusal of the record, I find that since the order passed by the Prescribed Authority has already been complied with as per the instructions of the State and nothing remains to be decided by this Court thereafter in the instant writ petition.

The petitioners are at liberty to file recall application in case the instructions submitted by the State is incorrect.

The writ petition is hereby disposed of with the aforesaid observations."

7. In light of the above and relying upon the statement made by the learned Standing Counsel in Writ Petition No.3000005 of 2002, the present writ petition is also disposed of with the observations made in the said writ petition.

8. In case the petitioner finds that the statement made by the learned Standing Counsel is incorrect and the prescribed authority has not passed any consequential orders, liberty is granted to her to file an appropriate application before this Court.

(Alok Mathur, J.)

Order Date :- 21.11.2023

Virendra