

Court No. - 17

Case :- CIVIL MISC REVIEW APPLICATION DEFECTIVE
No. - 267 of 2023

Applicant :- Parvez Khan And 5 Others

Opposite Party :- Addl. Commissioner, Lucknow Division,
Lko. And 5 Others

Counsel for Applicant :- Arshad Ahsan Siddiqui

Hon'ble Alok Mathur, J.

C. M. Application No.1 of 2023 for condonation of delay.

1. Heard Sri Arshad Ahsan Siddiqui, learned counsel for the applicant.
2. The cause shown in the affidavit filed in support of the application are sufficient. The application is allowed. The delay is condoned.

Order on memo of the review application.

1. Heard Sri Arshad Ahsan Siddiqui, learned counsel for the applicant.
2. The supplementary affidavit filed today in the Court is taken on record.
3. By means of the instant review application learned counsel for the review applicant has sought to review the judgment and order of this Court dated 20.9.2023.
4. It has been submitted that the prescribed authority has not complied with the order of the District Judge dated 16.11.1979. It has been submitted that as per the orders of the District Judge the appeal was allowed and the order of the prescribed specifying the surplus land of the tenure holder was modified to the extent that the holdings of khata No.s 77, 78 and 249 of Village Sandiram were excluded and it was left open for the prescribed authority to specify the alternative plots of the tenure holder as surplus. It has been submitted that the prescribed authority while complying the order of the District Judge has released the said land in favour of the tenure holder. It is in aforesaid circumstances that it has been stated that the prescribed authority has not complied with the order of the District Judge.

5. This Court has heard the arguments of learned counsel for the review - applicant. It is noticed that there was no finding by the District Judge as to in whose favour the land has to be released. The District Judge merely stated that as per the provisions contained in Section 12 (A) (d) of U.P. Imposition of Ceiling on Land Holdings Act, 1960 the land ought to be excluded. This Court is of the considered opinion that the prescribed authority has rightly complied with the order of the superior authority and released the said land in favour of the petitioner. This aspect of the matter has been duly considered by this Court and after a detailed hearing the Court did not find any infirmity in the said proceedings. Apart from the above, this Court had already observed that the order of the District Judge dated 16.11.1979 became final when the writ petition filed by the petitioner against the said order was dismissed.

6. In light of the above, this Court does not find any error apparent on the face of the record necessitating review of the judgment and order of this Court dated 20.9.2023. Accordingly, the review application is **dismissed**.

(Alok Mathur, J.)

Order Date :- 7.12.2023
RKM.