

A

CHHIDDA SINGH

v.

DY. DIRECTOR OF CONSOLIDATION AND ORS.

FEBRUARY 19, 1998

B

[DR. A.S. ANAND AND K.VENKATASWAMI, JJ.]

*Constitution of India, 1950: Article 137*

C

*Supreme Court Rules, 1966 : Order XL.*

D

*Review—Filing of review petition in casual and irresponsible manner—  
Depreciation of—Dismissal of special leave petition— No existence of error,  
much less error apparent on the face of record—Review petition filed  
reproducing verbatim paragraphs from special leave petition—Held filing of  
such a review is abuse of the process of this Court—Review petition dismissed  
with costs.*

CIVIL APPELLATE JURISDICTION : Review Petition No. 315 of  
1998.

E

IN

Special leave Petition (C) No. 6347 of 1997.

From the Judgment and Order dated 17.9.96 of the Allahabad High Court  
in W.P. No. 29979 of 1996.

F

The following Order of the Court was delivered :

Delay condoned.

Application for personal hearing is rejected.

G

We have perused the review petition and the connected record. The  
casual and irresponsible manner in which the review petition has been filed  
is self evident. The grounds in the review petition and in the special leave  
petition are verbatim the same even to the extent of the mistakes. In the  
grounds of special leave petition, there are two paragraphs marked "K" and  
in the grounds of the review petition also, there are two paragraphs marked

H

"K". The following tabular statement demonstrates what we have said above:

(A) Because the High Court and the Dy. Director of the Consolidation lost sight of the glaring position of law that the order passed by the Settlement Officer Consolidation on 2.12.1995, after making spot inspection and appreciation of all the documents and circumstances and facts of the case attained finality under Sec. 21(2) of the C.H. Act. the said Settlement Officer Consolidation was the Court of first appeal and as such its decision was final in so far as the facts of the case were concerned.

(B) Because the High Court and Dy. Director of Consolidation failed to appreciate that the powers of the revisional court under Sec. 48 of the C.H. Act are very limited restricted and are not the unfettered power to upset the orders of the Settlement Officer of the Settlement Officer on the questions of fact, which order has attained finality.

(C) Because the Dy. Director of Consolidation has erred gravely in not keeping in mind the provision of Sec. 19 (f) of the U.P.C.H. Act which makes it necessary for the allotment of the same chak to the tenureholder wherein his own source of irrigation is installed.

(D) Because the order passed by the Settlement Officer Consolidation is final and binding between the parties.

(E) Because the Dy. Director of

(A) Because the High Court and the Dy. Director of the Consolidation lost sight of the glaring position of law that the order passed by the Settlement Officer Consolidation on 2.12.1995, after making spot inspection and appreciation of all the documents and circumstances and facts of the case attained finality under Sec. 21(2) of the C.H. Act. the said Settlement Officer Consolidation was the Court of first appeal and as such its decision was final in so far as the facts of the case were concerned.

(B) Because the High Court and Dy. Director Consolidation failed to appreciate that the powers of the revisional court under Sec. 48 of the C.H. Act are very limited restricted and are not the unfettered powers to upset the orders of the Settlement Officer on the question of fact, which order has attained finality.

(C) Because the Dy. Director of Consolidation has erred gravely in not keeping in mind the provision of Sec. 19 (f) of the U.P.C.H. Act which makes it necessary for the allotment of the same chak to the tenureholder wherein his own source of irrigation is installed.

(D) Because the order passed by the Settlement Officer Consolidation is final and binding between the parties.

(E) Because the Dy. Director of Consolidation has acted without jurisdiction in virtually axing the order

A

B

C

D

E

F

G

H

A Consolidation has acted without jurisdiction in virtually axing the order of the Settlement Officer Consolidation, which was passed after appreciation of all the facts.

B (F) Because as a result of the order of the Dy. Director of Consolidation the tubewell of the petitioner rendered useless.

C (G) Because the area left along side the tubewell is not capable of being cultivated .

D (H) Because the respondents No. 3 to 6 already had lands in plot No. 39, there was no justification in allotting them more areas in plot No 39.

E (I) Because as a result of proceedings under the said C.H.Act, the areas of lands belonging to the present petitioners have been unconsolidated and scattered, and the very spirit for initiating the consolidation of holdings proceedings have been thrown to winds. The present petitioner has been allocated chaks by the Dy. Director of Consolidation at far away from the other chaks. e.q. the chak No. 98 is far away from the abadi of the petitioner, not only this, it has no source of irrigation, besides the land thereof, is of inferior quality, and the Dy. Director of Consolidation has not adverted himself to this glaring fact.

H (J) Because the order of the Dy.

of the Settlement Officer Consolidation, which was passed after appreciation of all the facts.

(F) Because as a result of the order of the Dy. Director of Consolidation the tubewell of the petitioner rendered useless.

(G) Because the area left along side the tubewell is not capable of being cultivated .

(H) Because the respondents No. 3 to 6 already had lands in plot No. 39, there was no justification in allotting them more areas in plot No 39.

(I) Because as a result of proceedings under the said C.H.Act, the areas of lands belonging to the present petitioners have been unconsolidated and scattered, and the very spirit for initiating the consolidation of holdings proceedings have been thrown to winds. The present petitioner has been allocated chaks by the Dy. Director of Consolidation at far away from the other chaks.e.q. the chak No. 98 is far away from the abadi of the petitioner, not only this, it has no source of irrigation, besides the land thereof, is of inferior quality, and the Dy. Director of Consolidation has not adverted himself to this glaring fact.

(J) Because the order of the Dy. Director of Consolidation is sheer abuse of the process of the Court.

Director of Consolidation is sheer abuse of the process of the Court.

(K) Because the impugned order of the High Court as well as that of the Dy. director of Consolidation have occasioned failure of justice. A

(K) Because the impugned order of the High Court as well as that of the Dy. director of Consolidation have justice.

(K) Because the High Court has not given a serious thought to the legality of the order of the Dy. Director of Consolidation dated 30..8.1996. B

(K) Because the High Court has not given a serious thought to the legality of the order of the Dy. Director of Consolidation dated 30..8.1996.

(L) Because the order of the High Court as well as the Dy. Director of Consolidation dated 30.8.1996 are liable to be set aside. C

(L) Because the order of the High Court as well as the Dy. Director of Consolidation dated 30.8.1996 reliable to be set aside.

D

Even in the other paragraphs of the review petition, there is only verbatim reproduction of the corresponding paragraphs from the special leave petition.

We view this with concern and deprecate the casual and irresponsible manner of filing such review petitions which unnecessarily waste the time of the Court. No existence of an error, much less error apparent on the face of the order, while dismissing the SLP, has even been alleged, let alone demonstrated in the review petition. The filing of the review petition is an abuse of the process of this Court. The review petition is, therefore, dismissed with Rs. 5,000 as costs, which amount shall be recovered under Rules. E F

T.N.A.

Petition dismissed.