

Babu

Vs

Deputy Director of Consolidation

Civil Appeal No. 17 of 1970

(A.D. Koshal, V.B. Eradi, R.B. Misra JJ)

05.08.1981

JUDGMENT

KOSHAL, J. –

1. This appeal by certificate granted under Article 133(1)(a) of the Constitution of India is directed against an order dated September 9, 1969 passed by the High Court of Allahabad, dismissing in limine a petition under Article 226 of the Constitution of India.

2. It is common ground between the parties that the appellant can succeed only if he is shown to have been in possession of the land in dispute in fasli year 1359 (which corresponds to the agricultural year 1951-52 reckoned according to the Gregorian calendar). The Deputy Director, Consolidation, who decided the case in second appeal gave a finding in his order dated June 2, 1969, that the appellant had not been proved to be in possession in that year. The finding was confirmed in revision by the Director of Consolidation on August 22, 1969, and it was that order which was under challenge before the High Court.

3. The finding above mentioned being one of fact is not open to challenge before us unless it can be shown that it is perverse or based on no evidence at all, which is not the case here. Both the Deputy Director and the Director have given cogent reasons to negative the claim of the appellant that he was in possession of the land in dispute in fasli year 1359. Consequently, we see no reason for interference with the impugned order and dismiss the appeal with costs throughout.

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