

Babu vs Deputy Director Of Consolidation on 5 August, 1981

Equivalent citations: AIR1982SC756, (1981)4SCC246, AIR 1982 SUPREME COURT 756, 1982 ALL. L. J. 2701, (1982) 2 SCJ 126, 1981 (4) SCC 246

Author: A.D. Koshal

Bench: A.D. Koshal, V. Balakrishnan Eradi

JUDGMENT

A.D. Koshal, J.

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

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 2nd June, 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 22nd Aug. 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.