

Court No. - 49

Case :- WRIT - B No. - 1570 of 2025

Petitioner :- Jai Singh

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Umesh Chandra Tiwari

Counsel for Respondent :- C.S.C., Sher Bahadur Singh

Hon'ble J.J. Munir,J.

By the impugned order, the Board of Revenue rejected the transfer application seeking transfer of a Revision No. 791 of 2021, Ganeshanuj Das vs. Gopal Ram and others, under Section 210 of the U.P. Revenue Code, 2006 pending before the Additional Commissioner (Judicial) 3rd, Bareilly to any other Court of Competent Jurisdiction in the same Commissionerate.

It is argued by the learned counsel for the petitioner that the impugned order passed by the Board does not disclose any reasons and it is cryptic. In this submission of his, learned counsel for the petitioner, Mr. Umesh Chandra Tiwari is absolutely right. The order of the Board is indeed cryptic and laconic. Nevertheless, since it is a transfer application and the reasons are not reflected from the Boards order, we have looked into the application for transfer made before the Board, a copy of which is annexed as Annexure-1 to the supplementary affidavit filed today in Court.

The petitioner has come up with allegations that the Presiding Officer instead of deciding the application dated 25.05.2023 has set down the revision for hearing which is illegal and discloses bias. The other is that long dates are being scheduled and the matter is never taken up for hearing. The disinterest in hearing the matter also helps the other party. Then comes up the stinging

allegations that the opposite party to the revision before the Board, who is respondent no. 2 to the revision and respondent no. 4 here, is a man with high political connections and many political leaders and ministers are in close contact with him. He is often heard to say aloud that he will not permit the case to be decided as long as he wishes. There is then a more scandalous allegation that these facts would show that there is some kind of a connivance between respondent no. 4, Ganeshanuj Das and the Presiding Officer of the Court of the Additional Commissioner (Judicial) 3rd, Bareilly, and, she is acting under his influence. The petitioner says further that in these circumstances, he has no faith that an impartial and evenhanded verdict will be given.

Upon hearing learned counsel for the parties, we find the allegations to be utterly scandalous. Even if we were to quash the order passed by the Board on ground that it does not carry reasons, no different conclusions would result for the reasons that we presently indicate. The allegations in the transfer application are absolutely unsupported, either by tangible material or circumstances that may compel the Court to conclude that the Presiding Officer is not fair towards the parties or biased. The fact that an application which the petitioner desires to be heard first before final hearing, has not been taken up separately, is a matter which may be an illegal course on the Presiding Officer's part to adopt or it may not be so, but it is no ground to interfere bias. A wrong order or a wrong procedure does not lead to an interference of bias. Likewise, mere delay on the part of the Presiding Officer in hearing the revision is no ground to infer bias. It is quite another matter that there should not be delay in hearing the matter by any Court as far as possible, but if there is delay or laxity, that by itself would not show bias against a party. The more definitive grounds

about connection with high political functionaries, ministers etc. is absolutely without any basis. The names of politically powerful persons or those in political power, have not been mentioned to test the veracity of the allegations, let alone any material annexed to show the connections claimed for the 4th respondent.

The further case about there being a connivance between the Presiding Officer and respondent no. 4, borders on criminal contempt. It is unfortunate that in contemporary times, litigants have turned aggressive because for one reason or the other, the Courts are eschewing invocation of their power of criminal contempt. The restraint or the hesitation comes from honoring the citizen's fundamental right to freedom of speech and expression and *a fortiori* their right to ventilate their grievances. This does not mean that any kind of scandalous allegations without basis can be hurled at the Court and got away with. If an allegation of connivance by any party is made against a Presiding Officer, it has to be one with the highest sense of responsibility and material of sterling quality. It is another matter that the Court hearing the transfer matter or whatever forum the complaint is laid may accept it or not. But, to make such an application without any material or circumstances to point out, shows not a sense of freedom to express amongst citizens who are litigants but virtually extreme indiscipline and lack of sense of propriety, to say the least. The sense of propriety and proportion is essential for the entire citizenry in order to sustain a civil society. Allegations such as these that figure in the transfer application show a mindset which is not at all compatible with an orderly society.

This petition is accordingly **dismissed** with **costs of Rs. 5000/-** which shall be deposited by the petitioner with the learned Registrar General within a period of 15 days. If costs are not

deposited after 15 days hence, the Registrar General shall proceed to recover it from the petitioner as arrears of land revenue. Once costs are realized, these shall be remitted in the account of the High Court Legal Services Authority.

Let this order be communicated to the Additional Commissioner (Judicial) 3rd, Bareilly through the Civil Judge (Senior Division), Bareilly by the Registrar (Compliance) by **Tuesday next**.

Order Date :- 25.4.2025

Brijesh Maurya