

M/s. Bhagwan Dass and Co. Pvt. Ltd.

Vs

State of Uttar Pradesh and Another

Civil Appeal No. 766(N) of 1979

(R. S. Pathak, V. R. Krishna Iyer, O. Chinnappa Reddy JJ)

01.08.1980

JUDGMENT

V. R. KRISHNA IYER, J. -

1. We are in a position to dispose of this appeal with utmost brevity because, side-stepping the question of law which engaged the courts below, the subject-matter of this appeal can be effectively dealt with on a finding of fact rendered by the High Court. The question raised and argued persistently by Shri Gupta was that the land in question was meant seriously for a housing scheme and therefore did not fall within the ambit of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950. It is true that Section 2(1)(c) of the said Act, read with explanation to Section 2(2), justifies the contention that a housing scheme is a work of public utility and any area held for that purpose will be exempt from the operation of the Act. The High Court examined the question of fact as to whether there was a housing scheme even in embryo and came to the conclusion that there was no trace of any such project either on the relevant date, namely, July 7, 1949 or even earlier. Shri Gupta took us through the judgment of the trial Court in an endeavor to convince us that there was actually a housing scheme. We are only able to discover some broken bits of brick-kilns, roofless huts and the like, hardly evidentiary of a housing colony. In the light of the finding of fact of the High Court, it is not possible to maintain that the land in question can be salvaged from the sweep of the Act. For this reason we dismiss the appeal. The circumstances of the case justify denial of costs to the respondents.

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