

Smt. Kamlesh Kumari

Vs

State of Uttar Pradesh and Others

Civil Appeal No. 922 of 1981

(Syed M. Fazal Ali A. Varadarajan JJ)

19.02.1981

JUDGMENT

FAZAL ALI, J. –

1. The short point taken by Mr Ashoke Sen in support of the petition is that even assuming that the findings of the prescribed authority that the transfer was not bona fide is correct, the prescribed authority was in error in not excluding the land said to have been transferred from the surplus area. The land which was the subject-matter of transfer was covered by Plot 460. The contention is well founded and must prevail. In these circumstances, we set aside the judgment of the High Court and that of the prescribed authority and remit the case to the prescribed authority to decide the surplus land in accordance with Section 12-A(d) of the Act by excluding the area which was the subject of transfer as far as possible.

2. The appeal is disposed of accordingly.

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