

Popat Ramchandra Jadhav

Vs

State of Maharashtra and Others

Civil Appeal No. 3102 of 1989

(Rangath Misra, J. S. Verma JJ)

28.07.1989

ORDER

1. Special leave granted.
2. We have heard learned counsel for the parties. In the facts and circumstances of the case as appearing on the record it is difficult to accept the view that the property held under temporary lease on the relevant date was to be taken into account for determining the ceiling under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961. We do not intend to lay down any precedent but in the present case, the lessee's right was totally precarious and as due to lapse by efflux of time soon after the relevant date. If such land was taken into account and the ceiling of the appellant was determined, he was bound to be prejudiced.
3. Counsel for the State found it difficult to support the view of the High Court when the matter was taken for consideration.
4. We allow the appeal, set aside the order of the High Court and the authorities below and direct that the ceiling be recomputed by excluding the impugned leasehold area from consideration for the purpose of determining the ceiling.
5. The appellant shall be entitled to his costs. Hearing fee is assessed at Rs. 2000.

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