

Brij Pal Dass and Others

Vs

Rammurat Singh and Others

Civil Appeal No. 4675 of 1989

(Rangnath Misra, P. B. Sawant, K. Ramaswamy JJ)

17.11.1989

ORDER

1. Leave granted.

2. The main question involved in this appeal is whether the patta which was admittedly granted in 1941 in favour of Ram Bachan Singh the father of the contesting respondents 1 and 2 was returned or not acted upon or terminated, and the land was surrendered to the landowner or the patta subsisted on the relevant date. All that the record on the subject shows is that the contesting respondents were dispossessed on October 31, 1952 in a proceeding under Section 145 of the Criminal Procedure Code. That is no evidence either of the termination or return of the patta or of the voluntary surrender of the land.

3. The High Court while remanding the matter for investigation on this question, has do doubt also remanded the issue with regard to the validity of the Will executed by Sidheshwari in favour of Munni Devi, the predecessor-in-title of the present appellants, and other allied issues. We are of the view that the said issues are not germane to the decision of the title of the contesting respondents to the land in dispute. While, therefore, we maintain the order of remand, we make it clear that the Deputy Director of Consolidation will confine his decision only to the question whether the patta subsisted at the relevant time and the contesting respondents acquired any title to the land on the basis of the patta under the U.P. Zamindari Abolition and Land Reforms Act, 1950. The appeal is accordingly allowed. The parties will bear their own costs.

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