

Tejmohammed Hussainkhan Pathan

Vs

V. J. Raghuvanshi and another, Respondents.

Civil Appeal No. 1698 of 1975

(Kuldip Singh, N. M. Kasliwal JJ)

31.07.1992

JUDGMENT

1. The question before the High Court was as to whether the expression "Government" under Section 88(1) (a) of the Bombay Tenancy and Agricultural Lands Act, 1948 (the Act) means the State Government alone or it refers to both the State Government and the Central Government. Section 88(1) of the Act is as under:

"88(1) - Save as otherwise provided in sub-section (2), nothing in the foregoing provisions of this Act shall apply -

(a) to lands belonging to, or held on lease from, the Government;

(aa) to lands held or leased by a local authority;

(b) to any area which the State Government may, from time to time, by notification in the Official Gazette, specify as being reserved for non-agricultural or industrial development

2. The High Court rejected the contention of the appellant-petitioner that the Government under Section 88(1)(a) of the Act means only the State Government on the following reasoning:

"If therefore, two different expressions are used, namely, "the Government" and "the State Government", it would be legitimate to proceed on the assumption that by using the expression "the Government" in some of the provisions of the Act, the legislature did not intend to refer to the State Government or to confine the operation of such Sections only to the State Government.....Therefore it would be legitimate to attribute to 'the legislature the intention of conveying a meaning other than that of the State Government by the use of the expression "the Government" in sub-sec. 88(1)(a) and the only different connotation that could be given to the said expression in contradistinction to the expression the "State Government" is that it has a broader sweep and that it includes both the Central Government and the State' Government."

3. We see no infirmity in the reasoning of the High. Court. We agree with the inter-pretation given by the High Court to the expression "Government" in Section 88(1)(a) of the Act. The appeal is dismissed with no order as to costs. Appeal dismissed.

</html