

Hubli Dharwad Urban Development Authority

Vs

Vidyaranya Snagha

Civil Appeals No. 6079 of 1997

(Dr. A.S. Anand, K. Venkataswami JJ)

02.09.1997

ORDER

1. Leave granted.

2. Common question of law and fact is involved in these three appeals and they are being disposed of by this common order. We have heard learned counsel for the parties and examined the record. Both the learned Single Judge and the Division Bench of the High Court opined that once exemption is granted under Section 20 of the Urban Land (Ceiling and Regulation) Act, 1976, it was not permissible for any other authority to require the exempt to obtain an order of conversion of that land for non-agricultural purposes. In taking this view, the Court was influenced by the fact that the power under Section 20 of the Act could be exercised only if the land in question was urban land.

3. Section 20(1)(b) unmistakably shows that if any person holds vacant land in excess of the ceiling limit and satisfies the Government regarding hardship then the exemption may be applied for and the Government can grant exemptions.

4. Section 2(q) of the Act defines "vacant land" to mean, "not being land mainly used for the purpose of agriculture, in an urban agglomeration"

5. These definitions when considered with the exemption order which records that the Government was granting exemption in respect of "the excess vacant land specified in the Schedule" unmistakably shows that the opinion of the High Court is unexceptionable.

6. We do not find any merit in these appeals. They are dismissed but without any order as to costs.

CA No. 9855 of 1995

7. In this appeal, service of the respondent is not complete, but the view we propose to take, we do not think it necessary to wait for the service of the respondent.

8. By our order in CA No. 29 of 1994, etc., we have upheld the judgment of the High Court and dismissed the appeals. The orders in those appeals will govern this appeal and consequently the appeal is dismissed but with no order as to costs.