

Veer Pal Singh and Others

Vs

State of U.P. and Others

Civil Appeal No. 419 of 1982

(CJI M. M. Punchhi, K. T. Thomas, D. P. Wadhwa JJ)

06.05.1998

ORDER

1. Two decisions of this Court in *Bhupendra Singh v. State of U.P.* [1995 Supp (1) SCC 204] and *Nawal Singh v. State of U.P.* [(1981) 2 SCC 670] have been pressed into service to contend that Section 5(6) proviso (b) of the U.P. Imposition of Ceiling on Land Holdings Act, 1960 (as amended by U.P. Act 18 of 1973) proves the case of the appellant that the sale he had effected in transferring his land to a stranger was bona fide. The facts as found by the High Court are that though the land was sold in the manner suggested by the appellant but it was not bona fide and it has given reasons for it.
2. The aforementioned two cases also proceeded on their own facts. There, the sales involved were held to be bona fide. Here, the sale has been held to be not bona fide on the facts established and inferences drawn thereon. Here, the appellant first obtained money and put the suggested vendee in possession as an arrangement of a kind of mortgage. Later the land was sold to the supposed mortgagee. These facts by themselves do not prove bona fide. Nothing has been suggested to dispel the impression that the sales were effected to defeat the purposes of the Ceiling Act. Thus, the view of the appellate court as also that of the High Court was not wrong in coming to the conclusion that the sale was not bona fide.
3. There is, thus, no merit in the appeal. It is, hereby, dismissed.