

SUPREME COURT OF INDIA

State of U.P.

Vs.

Chhuttan

(G.T. Nanavati and U.C. Banerjee JJ.)

21.01.2000

ORDER

G.T. NANAVATI, J.

1. Leave granted.
2. Heard learned Counsel for the parties.
3. The only point that arises for consideration in this appeal is whether the notice under Section 8(3) of the Urban Land and (Ceiling & Regulation) Act, 1976 was validly served upon the respondent who is the holder of the land. The competent authority has recorded a finding that notice dated 15.03.77 was served upon the holder on 27.03.77. The appellate authority held that the notice was not properly served as it was not sent by registered post but served through a Process Server. The High Court has also taken the same view. The requirement of sending notice by registered post would arise when notice is tried to be served through post. In this case the notice was served upon the wife of the holder by a Process Server. Whether that amounted to valid service of notice or not was not considered by the competent authority before recording the finding that it was served. As this aspect was not considered by the High Court and also by the authorities below, we set aside the impugned orders passed by them, remit the matter back to the competent authority for deciding the question of valid service of notice afresh after hearing the parties.
4. The appeal is disposed of accordingly.