

SUPREME COURT OF INDIA

Competent Aty. & Anr.

Vs.

Mohanbhai Khimabhai

C.A.No.4261 of 2001

(Tarun Chatterjee and H.S.Bedi,JJ.)

13.02.2008

ORDER

1. This appeal has been filed against the judgment and order dt.12.02.1996 passed by the High Court of Judicature at Ahmedabad in SCA No.2667/1988 which reads as follows :-

" In the result, this petition is accepted. The order passed by the Competent Authority at Bhavnagar (respondent No.1 herein) on 27th March 1987 under section 8(4) of the Act at Annexure-E to this petition as affirmed in appeal by the appellate order passed by the Urban Land Tribunal at Ahmedabad on 29th February 1988 in Appeal No. Bhavnagar - 10 of 1987 at Annexure-I to this petition is quashed and set aside. The matter is remanded to respondent No.1 for restoration of the proceeding to file and for his fresh decision according to law in the light of this judgment of mine. Rule is accordingly made absolute with no order as to costs."

2. After the matter was remanded to the Competent Authority and Deputy Collector (Urban Land Ceiling), Bhavnagar, Gujarat for re-determination of the ceiling limit of land of the respondent, the Urban Land (Ceiling and Regulation) Repeal Act, 1999 came into force. Section 4 of the said Act reads as follows :-

"4. All proceedings relating to any order made or purported to be made under the principal Act pending immediately before the commencement of this Act, before any court, tribunal or other authority shall abate:

Provided that this section shall not apply to the proceedings relating to sections 11,12,13 and 14 of the principal Act in so far as such proceedings are relatable to the land, possession of which has been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the competent authority."

3. In view of Section 4 of the Act quoted above, the proceedings before the Land Tribunal shall stand abated. Accordingly, this appeal and the proceeding in question stand disposed of as abated.

4. There shall be no order as to costs.