

SUPREME COURT OF INDIA

Munshi Lal (Dead) by Lrs.

Vs.

Distt. Judge, Aligarh

Civil Appeal No.6709 OF 2001

(Tarun Chatterjee and Harjit Singh Bedi)

14/02/2008

ORDER

This appeal has been filed against the final judgment and order dated 28th of April, 1995 passed by the High Court of Judicature at Allahabad in Civil Misc. Writ Petition NO.11097 of 1995 by which the High Court had dismissed the writ petition filed by the appellant against an order dated 25th of February, 1995 of the Appellate Authority, Urban Land Ceiling, (District Judge), Aligarh.

By the appellate order, the claim of the appellant that in determining ceiling area of the petitioner the declaration made to the effect that the land of the petitioner was declared surplus was incorrect. Since the Urban Land Ceiling Act has already been repealed and the Urban Land (Ceiling and Regulation) Repeal Act, 1999 has now come into force and in view of Section 4 of the said Act the proceedings under the Act has already abated. In our view, Section 4 of the Act has no manner of application in view of the fact that no proceeding related to any order to be made or purported to be made under the Principal Act pending immediately before the commencement of the Act was pending in any court, tribunal or other authority. In this case, no proceeding was pending at the time of repeal of the Act by which the proceeding could be said to have been abated.

That being the position, we are not in a position to hold that in view of Section 4 of the Act, the appeal has abated. So far as the impugned order is concerned, we do not find any infirmity in the same and thus the appeal is dismissed. There will be no order as to costs.