

**SUPREME COURT OF INDIA**

Abhimanyu Dass Jain (D) Thr. L.Rs.

Vs.

Board of Revenue

C.A. No.1595 of 2009

(B.N.Agrawal and G.S.Singhvi JJ.)

06.03.2009

**ORDER**

1. Leave granted. In spite of service of notice, nobody has entered appearance on behalf of the respondents to contest the prayer made in this appeal. By order dated 14th April, 1982, the Additional Collector (Finance), Meerut, cancelled the allotment of plot made in favour of the appellants. While doing so, the Additional Collector observed that the allottee has not appeared despite notice. It is borne out from the records that two days before the passing of the order dated 14th April, 1982, the appellants had made an application for being afforded an opportunity of hearing. However, that application was not considered and the order of cancellation was passed. When the appellants applied for setting aside the ex-parte order, their application was dismissed by the Additional Collector (Finance), Meerut, vide his order dated 25th June, 1982. Thereafter, the appellants filed revisions before the Additional Commissioner, Meerut Division, and the Board of Revenue for setting aside order dated 14th April, 1982, but could not succeed in persuading the concerned authorities to entertain their plea. The writ petitions filed by the appellants challenging orders passed by the Additional Collector (Finance), Additional Commissioner, Meerut, and the Board of Revenue were dismissed by the learned Single Judge of the High Court. Having heard learned counsel for the appellants and perused the records, we are of the view that the Additional Collector (Finance), Meerut, was not justified in disposing of the petition against the order cancelling the allotment by an ex-parte order. The Additional Commissioner, Meerut, the Board of Revenue and the High Court also committed grave error by confirming order of cancellation passed by the Additional Collector. Hence, the appeal is allowed, impugned order is set aside and the matter is remanded to the Additional Collector (Finance), Meerut, who shall decide the matter afresh after giving opportunity of hearing to the parties. The matter shall be decided expeditiously.