

# SUPREME COURT OF INDIA

Ramgarh Farms and Ind. Ltd.

Vs.

State of U.P.& Ors.

(M.Yusuf Eqbal and Amitava Roy, JJ.)

21.04.2015

## JUDGEMENT

### **M.Yusuf Eqbal, J.**

1. These appeals by special leave are directed against the judgment and order dated 12 December, 2003 of the Allahabad High Court whereby Division Bench of the High Court allowed the special appeals preferred by the State of Uttar Pradesh and set aside order dated 17.2.2000 passed by the learned Single Judge in Civil Miscellaneous Writ Petition, who directed the authorities to correct the revenue record, pay compensation and deliver the possession of the disputed land to the Appellant.

2.The factual matrix of the case is that the name of the Appellant was recorded as Bhumidar of various lands in Nagina Tehsil. In the proceedings initiated under the U.P. Imposition of Ceiling on Land Holdings Act, 1960 (for short 'Act of 1960'), the Appellant was served with a notice Under Section 10 and the Prescribed Authority declared an area of 5446 acres to be surplus land vide order dated 31.05.1962 and the Appellant was held to be entitled to certain amount of compensation. However, later on in 1976, on the application moved by the Collector, Bijnor, the order dated 31.05.1962 was reviewed and set aside by the Prescribed Authority and the Appellant was held to be not entitled to any compensation as the Appellant was not the Bhumidar and the notice issued to it Under Section 10 was erroneous. The appeal filed by the aggrieved Appellant was dismissed by the District Court as not maintainable. The Appellant, thereafter, moved the High Court by way of writ petition praying therein for issuance of appropriate writ for quashing the orders of the Prescribed Authority as also that of District Court. Learned Single Judge of the High Court allowed writ petition of the Appellant with costs holding that the order passed by the Prescribed Authority on 31.5.1962 had become final and it was no longer open to the said Authority to determine as to whether the Appellant was a tenure holder or not. The appeal by special leave (being Civil Appeal No. 3047 of 1983) preferred by the State Government before the Supreme Court was dismissed vide order dated 15.1.1996 for non -prosecution.

3. Mean while , the Ceiling Act was amended and the permissible extent of land to be held was reduced to 18 acres. Notice dated 7.10.1976 was issued to the Appellant and vide order

dated 29.11.1976, the Prescribed Authority declared 1067.53 acres of land of the Appellant in two villages to be excess and this order was not challenged by the Appellant. Notification dated 16.2.1966 was issued Under Section 4 of the Indian Forest Act whereby lands of the Appellant in other villages were proposed to be declared as reserved forest and vide notification dated 27.7.1970 Under Section 20 of the Forest Act, such lands were declared as reserved forest area. These notifications were also not challenged by the Appellant. ;