

Court No. - 8

Case :- WRIT - C No. - 3000013 of 2000

Petitioner :- Suraj Prasad And Others

Respondent :- State Of U.P. Through Collector Raebareli And Others

Counsel for Petitioner :- B.K.Singh

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia,J.

1. Heard Sri B.K. Singh, learned Counsel for the petitioners and Sri G.K. Pathak, learned Standing Counsel and perused the record.

2. The present petition has been filed challenging an order dated 30.07.1998 whereby the proceedings initiated at the behest of the petitioners under Section 27(4) of the U.P. Urban Land (Ceiling and Regulation) Act, 1976 was dismissed and the review filed against the same was also dismissed vide order dated 16.08.1999.

3. The petitioners claim that they had purchased the property in question from the original tenure holder Smt. Laila Khatoon. It also appears from the record that the proceedings for declaration of surplus land were initiated against the original tenure holder and an order was passed against her, which was never challenged. Subsequently, however, the petitioners claiming to be the owner of the property by virtue of a sale deed executed in their favour by the said Smt. Laila Khatoon initiated proceedings, which came to be dismissed mainly on the ground that the property purchased by the petitioners was subsequent to the enforcement of the Ceiling Act, 1976. Against the said order, the petitioners preferred an appeal, which was decided on 25.10.1989 and the matter was remanded for a decision afresh. It appears that no orders have been passed after remand. In the meanwhile, the petitioners challenged the allotment of lease in favour of a person by the Gaon Sabha which came to be dismissed holding that the petitioners had no right to challenge the subsequent allotments/ lease deeds granted in favour of the respondent no.4.

4. In view of the fact that the rights of the petitioners as claimed by them have not been adjudicated as yet, there was no error in the order dated 16.08.1999 dismissing the application of the petitioners filed under Section 27(4) of the Ceiling Act, 1976, as

such, the writ petition deserves to be ***dismissed***.

5. As regards the prayer no.2 in the writ petition, the directions are issued to conclude the proceedings in terms of the remand order dated 25.10.1989, in accordance with law, if not already decided and if there is no stay order passed by any Court in respect of the said proceedings.

Order Date :- 14.12.2023

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