

A NATWARBHAI MAGAINBHAI PATEL
v.
COLLECTOR AND ORS.

MAY 10, 1996

B [K. RAMASWAMY, FAIZAN UDDIN AND G.B. PATTANAIK, JJ.]

Urban Land (Ceiling and Regulation) Act, 1976.

C *S. 10(5)—Excess vacant land—Possession taken by Government—Compensation—Held, it is not a condition under the Act that payment of compensation be made before utilisation of the land.*

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)
No. 13088 of 1996 C.C. No. 2297 of 1996.

D From the Judgment and Order dated 15.5.95 of the Gujarat High Court in S.C.A. No. 4093 of 1995.

M.J. Trivedi and S.C. Patel for the Petitioner.

E The following Order of the Court was delivered :

Delay condoned.

F Counsel for the petitioner admits that a notification under Section 10(5) of the Urban Ceiling Act was published pursuant to which the excess vacant land was surrendered and taken possession of by the Government. Consequently, the land stands vested in the State free from all the encumbrances. In what manner the lands require to be utilised has been regulated under the provisions of the Act. It is not a condition, under the Act, that payment of compensation be made before utilisation of the land of which the petitioner was erstwhile owner. Under these circumstances,
G we do not find any illegality in the order passed by the High Court in Special Civil Appeal No. 4093/93 on May, 15, 1995.

The Special Leave Petition is accordingly dismissed.

R.P.

Petition dismissed.