

ARJUNA AND ORS. A
v.
STATE OF MAHARASHTRA AND ORS.

MAY 2, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.] B

Maharashtra Land ceiling Act :

Land-holder within ceiling limit—Allotment of surplus Land—Validity of. C

The High Court held that as the respondents are within the ceiling limit allotment of surplus land to them was illegal. In this Court it was specifically pleaded that the respondents are declared to be a surplus holder and the excess land was assigned to the appellants.

Allowing the appeal, this Court D

HELD : Both the parties were directed to produce the return filed by the respondents as well as a certified copy of the said return but they failed. In that view of the matter, the ground raised has remained undisputed. Accordingly, the order of the High Court is set aside. [1106-C] E

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2446 of 1978.

From the Judgment and Order dated 11.7.78 of the Bombay High Court in F.A. No. 155 of 1971. F

P.H. Parekh for the Appellants.

Dr. N.N. Ghatate and S.V. Deshpande for the Respondents.

The following Order of the Court was delivered : G

The High Court allowed the appeal on the ground that the private respondent are within the ceiling limit and, therefore, allotment of the surplus land to the respondents is illegal. In ground No. 5 of the special leave petition it was specifically pleaded that the respondents are declared to be a surplus holder and the excess land was assigned to the appellants. H

A By order dated March 22, 1995, we had directed both the parties to produce the return filed by the respondents. The appellants were directed to get the certified copy of the said return as well as the copy of the return filed by the respondents.

B It is stated by Dr. N.N. Ghatate, learned senior counsel for the respondents, that through Mr. S.V. Deshpande, the learned instructing counsel, had written letters to the party he has not received any response. Mr. Parekh, learned counsel appearing for the appellants, stated that they could not procure the certified copy.

C In that view of the matter, ground No.5 has remained undisputed. The appeal is, accordingly allowed on that terms and the order of the High Court is set aside. In case the respondents were declared to be within the ceiling limit, liberty is given to them to file a review petition within a period of two months from to day. No costs.

T.N.A.

Appeal allowed.