

UNION OF INDIA AND ANR. ETC.
v.
LAXMAN GAJANAN DESAI AND ANR. ETC.

MARCH 25, 1996

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

Central Excises and Salt Act, 1944/Central Excise Rules, 1944.

Bombay Land Revenue Code, 1966.

Salt pan land—Licence—Renewal of—Applications for title pending before competent authority—Held, competent authority would dispose of the applications—Pending decision licences would be renewed.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 6743 of 1996 Etc.

From the Judgment and Order dated 14.9.2 of the Bombay High Court in W.P. No. 1151 of 1984.

A. Jayaram, Additional Solicitor General, R.R. Mishra, K. Madhava Reddy, D.S. Mehra, Ms. Binu Tamta, C. Babu, Dr. R.B. Masodkar, K.L. Taneja, A.M. Khanwilkar for the appearing Parties.

The following Order of the Court was delivered :

Leave granted

We have heard the learned counsel on both sides.

In the appeal arising out of SLP (C) No. 15356/92 dated February 26, 1996, the Division Bench of the High Court in W.P. 2333/1983 by order dated July 29, 1991 directed that the appellants cannot insist upon the respondents conceding to the title of the Government. It directed the appellant to renew the licence without insisting upon conceding the title of the appellant. In the appeal, this Court had held that for obtaining licence/renewal, title to the property or a lease from the owner is a pre-condition. In that case, the Deputy Collector had held that the respondent had title to property and appeal thereon was pending. Accordingly this Court had directed the appellant to grant renewal of the licence

pending decision on title.

In these cases, admittedly, no decision on title has yet been given by any authority. The respondents are directed to file their claims before the competent authority (Collector/District Magistrate, as the case may be) within one month from today either as an owner or a lessee from the owner. The competent authority is directed to issue notice to the Central Government and after considering the material and affording an opportunity of hearing and after taking into consideration the law on vesting, dispose of all those applications on title. Subject to the result therein, the licences under the Salt Act would be issued/renewed. Pending decision, the appellants are directed to grant renewal. The authority is directed to dispose of those matters within a period of six months from the date of the receipt of the copy of the order.

The appeals are accordingly disposed of. No costs.

Appeals disposed of.