

(2010) 11 AHC CK 0260

Allahabad High Court

Case No: Writ C. No. 8465 of 1997

State of U.P.

APPELLANT

Vs

Star Paper Mills Ltd. and Another

RESPONDENT

Date of Decision: Nov. 18, 2010**Acts Referred:**

- Urban Land (Ceiling and Regulation) Repeal Act, 1999 - Section 4

Hon'ble Judges: Sibghat Ullah Khan, J**Bench:** Single Bench**Final Decision:** Dismissed

Judgement

Sibghat Ullah Khan, J.

Heard learned Counsel for the Petitioner.

2. Competent authority (under Urban Land Ceiling Act since repealed) Saharanpur through order dated 24.07.1995 declared that 136155.14 sq. meters of land held by Respondent No. 1 in this writ petition is surplus vacant land. Against the said order Respondent No. 1 filed appeal being misc. civil appeal No. 13 of 1995. District Judge Saharanpur allowed the appeal in part through order dated 31.08.1996 and reduced the area of surplus vacant land to 124007.062 sq. meters. In this manner relief of about 12,000 sq. meter of land was granted to the Respondent No. 1. Against the said order State has filed this writ petition. Learned standing counsel is not aware as to whether against the same impugned judgment of the appellate court Respondent No. 1 the land holder also filed writ petition or not.

3. Urban Land Ceiling Act 1976 has been repealed by Urban Land (Ceiling and Regulation) Repeal Act 1999. As relief in respect of about 12,000 sq. meter of land had been granted to the land holder Respondent No. 1 by the impugned order hence there is no question of taking possession of the said land by the State. Accordingly no further proceedings in respect of the area of 12000 sq. meters of land may be taken. By virtue of Section 4 of the 1999 Repeal Act the proceedings are

to abate . Writ petition is, therefore, dismissed as abated. However, it is clarified that this order will not have any effect on the land declared by the appellate court as surplus vacant land i.e. 124007.062 sq. meters of land.