
(1997) 4 JT 640

Supreme Court of India

Case No: Civil Appeal No. 3139 of 1986

State of West Bengal

APPELLANT

Vs

Smt. Maya Dutta and
Others

RESPONDENT

Date of Decision: April 3, 1997

Acts Referred:

- Urban Land (Ceiling and Regulation) Act, 1976 - Section 27(2), 27(3), 33

Citation: (1997) 4 JT 640

Hon'ble Judges: K. Ramaswamy, J; D.P. Wadhwa, J

Bench: Division Bench

Advocate: Tapas Ray and Rathin Das, for the Appellant; D.K. Nag, Parijat Sinha and N.R. Choudhary, for the Respondent

Final Decision: Disposed Of

Judgement

@JUDGMENTTAG-ORDER

1. This appeal by special leave arises from the judgment of the learned single Judge of the Calcutta High Court, made on May 18, 1981 dismissing the Civil Order No. 1453/81.

2. Smt. Maya Datta had purchased 1065 sq.ft. of land under sale deed dated February 19, 1976, after the Urban Land (Ceiling of Regulation) Act, 1976 (for short the "Act") had come into force, from Bangrur Land Development Corporation Ltd., a private agency. She also had purchased some other properties with -which we are not concerned. She applied for permission u/s 27(2) of the Act for sale of the building constructed on the land. Though the competent authority had refused permission u/s 27(3) of the Act, on appeal u/s 33, the appellate authority granted her permission which was questioned by the State in the revision. The High Court dismissed the same. Thus, this appeal by special leave.

3. It is not clear whether Bangur Land Development Corporation Ltd., a private agency was in possession of excess vacant land under the Act. The primary question that required to be decided by the competent authority and the appellate authority was: whether the said agency was within the ceiling limit computing the land in question alienated to Smt. Maya Datta. If it were to be held that the said agency was in possession of the land within the ceiling limit, necessarily, the sale made in favour of Smt. Maya Datta in question is in accordance with the law. In that perspective, whether Smt. Maya Datta was within the ceiling limit or not is not material. The permission, therefore, for alienation is required to be granted in the light of the law laid down by this Court in 270151 . Therefore, the purchase and grant of permission to Smt. Maya Datta, to that extent become valid. However, it is left open to be considered by the competent authority whether the alienation of the land in question to Smt. Maya Datta is subject to decision by the competent authority that Bangur Land Development Corporation Ltd. was within the ceiling limit equally of Maya Dutta. In the event of the competent authority deciding that the Bangur Land Development Corporation Ltd. was in excess of the ceiling limit to the extent of land sold by that authority to the Respondent, Smt. Maya Datta would be required to be computed as part of the holding of Bangure Land Development Corporation Ltd. and the purchaser from Maya Datta is also bound by it, equally of Maya Dutta. Hence, appropriate action is required to be taken against the said agency.

4. With this finding, the appeal is, disposed of No costs.