

ITEM NO.201

COURT NO.10

SECTION XI

S U P R E M E                      C O U R T   O F   I N D I A  
R E C O R D   O F   P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).3031/2004

(From the judgement and order dated 13/11/2003 in            CMWP No.  
53998/2002 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MOHAMMAD NABI (DEAD)THROUGH LRS. &amp; ORS.

Petitioner(s)

VERSUS

MOHD. HANEEF &amp; ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for  
interim relief and office report )(FOR FINAL DISPOSAL)Date: 09/08/2011                      This      Petition      was      called      on      for      hearing  
today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s)                      Mr.Pramod Swarup,Sr.Adv.  
                                                 Ms.Sushma Verma,Adv.  
                                                 Mr.Akshay Verma,Adv.  
                                                 Ms.Pooja Sharma,Adv.  
                                                 Mr. Prashant Chaudhary,Adv.

For Respondent(s)                      Mr. M.P. Shorawala,Adv.

UPON hearing counsel the Court made the following  
O R D E R

The petitioners are aggrieved by order dated 13.11.2003 of the learned Single Judge of the Allahabad High Court whereby he dismissed the writ petition filed by the petitioners against order dated 22.11.2002 passed by the Commissioner (Judicial), Moradabad on a petition filed by the respondents under Section 219 of the Uttar Pradesh Land Revenue Act, 1901 (hereinafter referred to as, "the 1901 Act").

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Although, the order under challenge does not contain reasons on the basis of which the High Court came to the conclusion that the petitioners can avail alternative remedy against an order passed under Section 219 of the 1901 Act, having heard learned counsel for the parties and perused the record, we are satisfied that the special leave petition deserves to be dismissed.

It is not in dispute that the suit filed by respondent nos. 2 to 5 under Section 229(B) of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as, "the Act") is pending adjudication before the Special Divisional Officer. It is also not in dispute that the petitioners are party to the suit and the rights and title of the parties in relation to the land in dispute can be determined in the proceedings under Section 229(B) of the Act. Therefore, we do not consider it proper to interfere with the impugned order.

The special leave petition is accordingly dismissed.

(KUSUM SYAL)  
SR. P.A.

(PHOOLAN WATI ARORA)  
COURT MASTER