

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5063 OF 2007

Pragatisheel Samoohik Krishi
Samiti Limited

..Appellant

versus

State of U.P. & Others

..Respondents

O R D E R

This Appeal has been filed against the impugned judgment and order dated 12th December, 2006 passed by the Allahabad High Court in Special Appeal No. 894 of 1997.

The facts have been set out in the impugned judgment and hence we are not repeating the same here except wherever necessary.

This case arises out of the proceedings under Section 154(2) and 167(2) of the U.P.Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as 'the Act').

Having heard learned counsel for the parties at length and having carefully gone through the impugned judgment, we entirely agree with the reasoning given by the High Court. In support of its contentions, the appellant has mainly relied on the decision of the Allahabad High Court in the case of Kastoori Sanyukt Sahkari Krishi Samiti Ltd. vs. State of U.P. which has been confirmed by this Court in Civil Appeal No. 1618 of 1990.

In our view, this decision is clearly

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distinguishable from the present case because in Kastoori's case, the members originally owned the land belonging to them and later on they pooled in their land to form a corporative society and thus they are entitled to get the benefit of the first proviso to Section 154 of the Act,

whereas in the case in hand, the members of the corporative society only pooled in money, and not land as it did not belong to them originally. However, in Kastoori's case, the members originally owned the land. Hence, in the case in hand, the appellant is not entitled to the benefit of the proviso to Section 154 of the Act.

For the reasons given above, this appeal fails and is dismissed. Parties shall bear their own costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
DECEMBER 07, 2010

.....J.
[GYAN SUDHA MISRA]