

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12220/2007

(From the judgement and order dated 29/06/2005 in
of The HIGH COURT OF M.P AT INDORE)

MP No. 421/1993

SHANTABAI & ORS.

Petitioner(s)

VERSUS

STATE OF M.P. & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)
(For final disposal)

Date: 09/07/2010 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Subramonium Prasad,Adv.

For Respondent(s) Mr. B.S. Banthia,Adv.
Mr. Vikas Upadhyay, Adv.

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

Leave granted. Heard the counsel.

In terms of the signed order, this appeal is
allowed, the impugned order is set aside and the matter
is remitted to the High Court for fresh consideration in
accordance with law.

(Ravi P. Verma) (M.S. Negi)
Court Master Court Master
[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5230 OF 2010
[Arising out of SLP(C) No.12220/2007]

SHANTABAI & ORS.

.....APPELLANTS

Versus

STATE OF M.P. & ORS.

.....RESPONDENTS

O R D E R

Leave granted. Heard the counsel.

2. The matter relates to challenge to an order under

the Urban Land (Ceiling and Regulation) Act, 1976 ('Act', for short). The appellants had filed a writ petition challenging the appellate order dated 18.11.1992 passed by the Appellate Authority (Additional Commissioner, Ujjain) confirming the order dated 8.5.1992 passed by Competent Authority under the said Act, urging several contentions.

A learned single Judge of the High court dismissed the writ petition by the impugned order dated 29.6.2005 without considering the several contentions which were urged by the appellant merely on the ground that they were raised belatedly.

3. On the facts and circumstances and having regard to the nature of grounds urged, we are of the view that the2.

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learned single Judge ought to have considered the same. There is one more development. The Act has been repealed in Madhya Pradesh also. Question of actual possession as on the date of repeal would have some relevance.

4. In the circumstances, we allow this appeal, set aside the impugned order and remit the matter to the High Court for fresh consideration in accordance with law.

.....J.
(R.V. RAVEENDRAN)

New Delhi;
July 09, 2010.

.....J.
(H.L. GOKHALE)