

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 (C) No(s). 7828-7829/2010

(Arising out of impugned final judgment and order dated 06/11/2009 in WP Nos. 15125 & 15126 of 2000 passed by the High Court Of Madras)

SOWCAR GOPALDAS DWARAKDAS P.FAM.TRUST ET

Petitioner(s)

VERSUS

T.NADU LAND REFORMS SPL.APPEL.TRIB.&ANR.

Respondent(s)

Date : 14/07/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s)

Mr. Ram Lal Roy,Adv.
Mr. R. N. Keshwani ,Adv.

For Respondent(s)

Mr. B. Balaji ,Adv.
Mr. R.Rakesh Sharma,Adv.
Mr. S.Anand,Adv.

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

Leave granted.
Appeals are allowed in terms of the signed order.

(MADHU BALA)
COURT MASTER
(Signed order is placed on the file)

(SNEH LATA SHARMA)
COURT MASTER

Signature Not Verified

Digitally signed by
Madhu Bala
Date: 2014.07.24
17:27:38 IST
Reason:

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.6474-75 OF 2014
(@ SPECIAL LEAVE PETITION (C) NOS. 7828-7829 OF 2010)

SOWCAR GOPALDAS DWARAKDAS PRIVATE FAMILY
TRUST ETC.

...APPELLANT(S)

VERSUS

T.NADU LAND REFORMS SPECIAL APPELLATE TRIBUNAL
& ANR.

...RESPONDENT(S)

O R D E R

Leave granted.

Having heard learned counsels for the parties, we are of the view that there is a glaring and apparent error in the order of the High Court holding that the appellant-Trust to be a public trust and on that basis the ceiling limit of five standard acres to be applicable to it.

A bare perusal of the relevant provisions of the Statute in question would indicate that it is only public Trust of charitable nature whose income is expended for charitable purposes for whom ceiling limit of five standard acres is applicable, whereas, for all other public trusts i.e. for the purpose of religious or educational nature or even in cases of charitable trusts where the income is expended for the benefit of the founder or his heirs or his family, the ceiling limit of 15 standard acres is applicable.

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...2/-

In view of the obvious and apparent error, we set aside the order of the High Court.

The appeal is allowed.

.....J.
[RANJAN GOGOI]

NEW DELHI
14TH JULY, 2014

.....J.
[PINAKI CHANDRA GHOSE]