

SLP(C)No. 8905 OF 1999

ITEM No.202

Court No. 6

SECTION XI  
A/N MATTER

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.8905/1999

(From the judgement and order dated 23/03/1999 in CMWP 9116/99  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

SHANTI DEVI

Petitioner (s)

VERSUS

ADDL.COMMNR.,GORAKHPUR DIVN.&ORS

Respondent (s)

(With prayer for interim relief)  
( For Final Disposal )  
With

SLP(C)No.9016/1999 - (with prayer for interim relief)  
(For final disposal)

Date : 20/07/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. R.C. Srivastava,Sr.Adv.  
in SLP 8905/99 Mrs Rani Chhabra,Adv.

For petitioner(s) Mr. R.C. Srivastava,Sr.Adv.  
in SLP 9016/99 Ms. Rachna Srivastava,Adv.

For Respondent (s) Mr. R.C. Verma,Adv.  
(State of UP) Mr. K. Misra,Adv.  
Ms. Kiran Kapoor,Adv.  
Mr. Mukesh Verma,Adv.  
  
Mr. Jagdish Kumar Chawla,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J.  
.SP2

Leave granted.  
The appeals are dismissed. There shall be no  
order as to costs.

.SP1

(Neelam Kawatra)  
Court Master

(S. Krishnan)  
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4417 OF 2001  
(Arising out of S.L.P.© No.8905/1999)

Shanti Devi

..

Appellant

-vs-

Addl.Commer., Gorakhpur Divn. & Ors. ..

Respondents

(with C.A. No.4418/2001 @ S.L.P.© No. 9016/1999)

O R D E R

Leave granted.

In the proceeding initiated under the U.P. Imposition of Ceiling on Land Holdings Act, 1960( hereinafter referred to as the Act), the husband of the appellant herein was issued a notice under Section 10(2) of the Act. The said notice indicated that out of the total land measuring 37.42 acres, an area measuring 19.40 acres was proposed to be declared as surplus land. The husband of the appellant died before the said notice could be served. Consequently, the appellant filed an objection, wherein it was stated that the appellant does not possess any surplus land. One of the grounds taken in the said objection was that the appellant s husband and one Ram Chander executed a sale deed on 6.7.72 and, therefore, the land covered by the said sale deed is required to be excluded while determining of the ceiling area of the appellant. The Prescribed Authority found that the sale deed executed by the husband of the appellant was not in good faith and, therefore, the sale deed has to be ignored while determining of the ceiling area of the appellant. The appellate court as well as the High Court affirmed the order of the Prescribed Authority. The finding of the courts below that the sale deed dated 6.7.72 was not a bona fide transaction being a finding of fact is no longer open to challenge in these appeals.

The appeals fail and they are accordingly dismissed. There shall be no order as to costs.

& & & & & & & & .J.  
(V.N.Khare)

& & & & & & & & J.  
(B.N.Agrawal)

New Delhi;  
July 20, 2001

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