

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 5778 OF 2004

AJANTA TUBES LTD.

Appellant (s)

VERSUS

STATE OF U.P. &amp; ANR.

Respondent(s)

## O R D E R

Heard Mr. V.P. Singh, learned senior counsel appearing for the applicant-Jain Steel & Alloys Ltd. on the application for impleadment (I.A.No.2. Application for impleadment is allowed and applicant is impleaded as proforma respondent (Respondent No.3). Cause title be amended accordingly.

This appeal has been filed against the impugned judgment and order dated 11.3.2003 passed by the High Court of Allahabad in Civil Miscellaneous Writ Petition No.6955/1986 by way of which it has affirmed the judgment and order dated 13.5.1986 passed by the appellate authority I.e. the Additional Commissioner, Meerut Division by way of which the appellate authority has set aside the judgment and order dated 31.1.1983 passed by the prescribed Authority under the provisions of U.P. Imposition of Ceiling of Land Holdings Act, 1960 (hereinafter called as the 'Act').

The facts and circumstances giving rise to this appeal are that the appellant company was served the notice under Section 10(2) of the Act and it submitted its reply. The prescribed Authority while considering the case for the purpose of determining as to whether the appellant company was in possession of any surplus area of the land has simply referred to certain certificates issued by the company under Section 143 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 (hereinafter called as the 'UP ZA & LR Act') and without making any reference to any statutory provision or factual aspect necessary to determine and decide as to whether there was any correlation or internal arrangement between the Jain Steel & Alloys Limited and Ajanta tubes Ltd, recorded the finding that the appellant was not in possession of any surplus area, therefore, notice under Section 10 (2) of the act was discharged vide judgment and order dated 31.1.1983.

The appellate authority without adhering to any judicial norm to decide the appeal and without advertng to any of the facts, recorded the finding of fact holding that the judgment of the prescribed Authority was not tenable and thus by a criptic order without answering either or legal questions which ought to have been considered, reversed the said judgment vide judgment and order dated 13.5.1986.

The appellant challenged the said order of the appellate authority by filing a writ petition before the High Court. The High Court did not deal with any of the issues involved in the petition rather without giving proper reason concurred with the judgment passed by first appellate authority. Certain findings of facts,

particularly, regarding possession of the land in dispute has also been recorded without giving any reason or details as on what basis such a finding has been recorded by the Appellate Authority.

There is no discussion in either of these three judgments before us as what is the sanctity and purpose for which the certificate under Section 143 of the UP ZA & LR Act could be issued and what significance can be given to such a certificate issued in favour of the Appellant while determining the surplus area under the Act. The High Court simply quoted some of the statutory provisions of the Act and took note of the certificate dated 2.7.1975 issued under Section 143 of the UP ZA & LR Act and made certain comments on the same, without realising that the appellate authority had recorded a finding of fact that no such certificate had been placed on record.

Thus, in view of the above, we are of the considered opinion that none of the aforesaid judgments have been passed by the above Authorities and the High Court meeting the requirement of any judicial norms. Thus, in such a fact situation, the appeal is allowed, we set aside all the three judgments of the courts below and remand the case to the prescribed Authority to decide the case afresh in accordance with law.

As the matter is pending before the Courts for the last four decades, it is desirable that the prescribed Authority may determine the case afresh within a period of six months from the date of production of the certified copy of the order before him. The parties are directed to appear before the prescribed Authority on 4th March, 2013 for further direction.

The parties are at liberty to file all documents as were on the date of notice under Section 10(2) of the Act and they shall be at liberty to agitate all factual and legal issues involved in the case.

.....J.  
[ DR. B.S. CHAUHAN ]

NEW DELHI  
FEBRUARY 13, 2013  
ITEM NO.102-PH

.....J.  
[ V. GOPALA GOWDA ]  
COURT NO.7 SECTION XI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(s). 5778 OF 2004

AJANTA TUBES LTD. Appellant (s)

VERSUS

STATE OF U.P. & ANR. Respondent(s)

(With appln(s) for permission to file additional documents, impleadment as party respondent and office report)

Date: 13/02/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Appellant(s) Mr. Rakesh Dwivedi, Sr. Adv.

Mr. A.P.S. Ahluwalia, Sr. Adv.  
Mr. Naresh K. Sharma, Adv.  
Mr. S.S. Ahluwalia, Adv.  
Mr. Tanuj Khurana, Adv.  
Mr. Ishaan Madaan, Adv.

For Respondent(s)

Mr. S.R. Singh, Sr. Adv.  
Mr. Adarsh Upadhyay, Adv.  
  
Mr. V.P. Singh, Sr. Adv.  
Mr. P.V. Yogeswaran, Adv.

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

Application for impleadment (I.A.No.2) is allowed and applicant is impleaded as proforma respondent (respondent No.3). Cause title be amended accordingly.

The appeal is allowed in terms of the signed order.

(O.P. Sharma)  
Court Master

(M.S. Negi)  
Court Master

(Signed order is placed on the file)