

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5917 OF 2009

WEST BENGAL UNIVERSITY OF ANIMAL
AND FISHERY SCIENCES & ORS. . . . APPELLANT (s)

VERSUS

RAMAKRISHNA SEVA KENDRA & ORS. . . . RESPONDENT (s)

WITH

C.A. No. 5983/2009

O R D E R

We have heard learned counsel for the parties.

Two separate leases of land were granted to Respondent No.1 with effect from 1981 and 1983 for the purposes of setting up a Bull Mother Farm-cum-Rural Training and Demonstration Centre at Ramshai in Jalpaiguri (West Bengal). It appears that certain disputes and differences arose between the members of Respondent No.1 which led to a letter dated 15th May, 1991 being issued by the General Secretary of Respondent No.1 to the concerned Secretary in the Department of Animal Resources in the Government of West Bengal. This letter reads as follows:

"Dear Sir,

Please refer to our letter No.SRS
K:Gen:19,160-165 dated 15-5-91.

We have made it clear in our said letter that since 3-4-91 we are not in a position to run our units at Ramshai in

Jalpaiguri District and we are unable to supervise and control those units under the circumstances stated in our letter. Our properties both movable and immovable in our said units are now lying absolutely uncared for and it is beyond our control to ensure safety and security for those properties.

As we are more worried about the livestock, i.e., about 150 cows, other animals and birds in the Campus, we would request you to take immediate steps to look after and take care of those and maintain them till such time the matter is finally decided.

Yours faithfully,

Sd/- (S. BOSE)
General Secretary"

At this stage, it may be mentioned that the submission of learned counsel for Respondent No.1 is that the letter was written by one faction of the disputants and it will not necessarily bind the entire respondent - Society. It is not possible for us to go into this aspect because this is a disputed question of fact requiring evidence to be led which cannot be resolved in this Court. We, therefore, proceed on the basis that the General Secretary of the respondent - Society was entitled to issue the aforesaid letter.

Be that as it may, consequent to the letter dated 15th May, 1991, the appellants took possession of the lands and have now constructed the West Bengal University of Animal and Fishery Sciences on the land and the said University is running on that land.

In addition to the above, we have been informed that the leases granted were valid for a period of 30 years and even the lease period has since expired in 2011 and 2013.

In view of these circumstances, we do not think it necessary to go into the legal issues raised by learned counsel for the respondent primarily because disputed questions of facts have been raised; secondly, there is already an existing University on the land in question which is now running about for the last 15/20 years and, thirdly, the lease period has also expired.

Therefore, while allowing the appeals and setting aside the impugned order passed by the High Court, we leave the question of law open to be decided in an appropriate case.

The appeals are allowed.

.....J.
(MADAN B. LOKUR)

.....J.
(DEEPAK GUPTA)

NEW DELHI
JULY 13, 2017

ITEM NO.103

COURT NO.5

SECTION XVI

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

Civil Appeal No(s).5917/2009

WEST BENGAL UNIVERSITY OF ANIMAL
AND FISHERY SCIENCES & ORS.

Appellant(s)

VERSUS

RAMAKRISHNA SEVA KENDRA & ORS.

Respondent(s)

WITH

C.A. No. 5983/2009 (XVI)

Date : 13-07-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s) Mr. Kalyan Bandopadhyay, Sr. Adv.
 Mr. Kunal Chatterji, AOR
 Ms. Maitrayee Banerjee, Adv.

Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Soumitra G. Chaudhuri, Adv.
Mr. Chanchal Kumar Ganguli, AOR

For Respondent(s) Mr. Parijat Sinha, AOR

Dr. I. B Gaur, AOR

Ms. Mamta Tiwari, Adv.
Ms. Sangeeta Mandal, Adv.
Ms. Swati Sinha, Adv.
for M/s Fox Mandal & Co.

Mr. Kunal Chatterji, AOR

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

The appeals are allowed in terms of the signed order.

(SANJAY KUMAR-I)
AR-CUM-PS

(SHARDA KAPOOR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)