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C.A.No. 3743 OF 1998
ITEM No. 111
Court No. 2
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. 3743 OF 1998

HARDEEP SINGH
.....
APPELLANT (S)

VERSUS

DISTT. OFFICER/MAGISTRATE FATEHPUR & ORS.
.....
RESPONDENT (S)
(With office report)

Date : 15/01/2004
This/These Appeal(s) was/were listed for hearing today.

CORAM :
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE B.P. SINGH

For Appellant (s) Mr. Pramod Swarup, Adv.

For Respondent (s) Ex parte
UPON hearing counsel, the Court made the following

O R D E R
The appeal is dismissed in terms of the signed order.

KALYANI
(RADHA R. BHATIA)
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3743 OF 1998

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DISTRICT OFFICER/MAGISTRATE, FATEHPUR & ORS.
.....
RESPONDENT (S)

O R D E R

The appellant claims to be an Advocate. He held a general power of attorney from one Ram Raj Nishad in connection with a mining lease. It seems that there were certain outstanding arrears having arisen consequent upon operation of the mines. The Collector of the District formed an opinion that the mining operation was being carried out not by Ram Raj Nishad in whose name the mining lease stood but in fact and for all practical purposes by the appellant who was appointed as the general power of attorney-holder. Based on such finding, the Revenue Recovery Certificate was directed to be issued by the Collector & District Magistrate to the Incharge Authority (Collection), Tehsildar, Fatehpur to proceed against Ram Raj Nishad and the appellant for the recovery of the outstanding amount.

The appellant filed a writ petition in the High Court of Allahabad disputing the recovery on the ground that the recovery was liable to be effected only from Ram Raj Nishad, the mining lessee, and not from him who was merely an attorney. The writ petition has been directed to be dismissed summarily.

Having heard the learned counsel for the appellant, we are satisfied that the impugned order of the High Court does not call for any interference. If the appellant disputes his liability for any payment, it is for him to make an appropriate representation before the Collector & District Magistrate and seek exoneration. So long as the finding recorded by the Collector and District Magistrate in the order dated 12th July, 1997 and the Revenue Recovery Certificate issued thereon stand, no relief can be allowed to the appellant.

The appeal is, therefore, dismissed.

.....J
(R.C. LAHOTI)

.....J
(ASHOK BHAN)

.....J
(B.P. SINGH)
NEW DELHI;
JANUARY 15, 2004.