

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Special Leave Petition Appeal (Civil)...../2013  
CC 11151/2013

STATE OF U.P.

Petitioner

VERSUS

SADASHIV PANDEY & ORS.

Respondents

O R D E R

Heard learned counsel for the petitioner. But we find no substance in the special leave petition as it appears that the respondents had merely exercised their choice in lieu of the surplus land which had conclusively been decided earlier fixing the ceiling limit and holding that the area in question was surplus. Thereafter, the respondents had merely exercised their choice to retain land in lieu of the land declared surplus and hence entitled to retain such land. However, the petitioner authorities subsequently appear to have reopened the matter and entered into correctness of the ceiling limit decided earlier which was not subjudice and yet it was ordered to be reopened but has not been approved by the HighCourt.

Apart from the fact that there is unusual delay of 1405 days in filing the present special leave petition, the same also is devoid of merit for the reasons indicated hereinbefore.

Thus, we find no infirmity in the order passed by the High Court. The special leave petition is, therefore, dismissed on the ground of delay as also on merits.

.....J.  
(GYAN SUDHA MISRA)

.....J.  
(KURIAN JOSEPH)

NEW DELHI  
JULY 05, 2013

ITEM NO.7

COURT NO.13

SECTION XVII

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 (Civil)...../2013  
CC 11151/2013

(From the judgement and order dated 17/03/2009 in WP No.60/2007, of The

HIGH COURT OF JUDICATURE AT ALLAHABAD, BENCH AT LUCKNOW)

STATE OF U.P.

Petitioner(s)

VERSUS

SADASHIV PANDEY & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 05/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA  
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s)            Mr. Vinay Garg, Adv.  
                                 Mr. Tanmaya Agarwal, Adv.  
                                 Mr. M.R. Shamshad, Adv.

For Respondent(s)

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

The special leave petition is dismissed on the ground of  
delay as also on merits in terms of the signed order.

(NAVEEN KUMAR)  
COURT MASTER

(S.S.R. KRISHNA)  
COURT MASTER

(Signed order is placed on the file)