

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.3802 OF 2014
(Arising out of SLP(C)No.8243 OF 2007)

MUSTAQ AHMAD

.....APPELLANT

VERSUS

STATE OF U.P., TH.REVENUE SECRETARY & ORS

.....RESPONDENTS

O R D E R

Learned counsel for the rival parties have invited our attention to the Motion Bench order dated 04.09.2013 wherein the petitioner was allowed to move an appropriate application to bring on record the legal representatives of the petitioner, who was then reported to have died.

It is not a matter of dispute between the rival parties that as a matter of fact, the original petitioner is still alive. In fact, an un-numbered I.A. was filed on 31.10.2013 to bring to the notice of this Court that the original petitioner is still alive.

In view of the above, the Motion Bench order dated 04.09.2013 is recalled. The un-numbered I.A., filed on behalf of the petitioner to bring correct facts on record, is disposed of in terms of the instant order passed by us.

Leave granted.

The present controversy relates to a revenue entry dated 09.08.1985 showing the appellant herein as Bhumidhar/Sirdar of some land in the revenue estate of village Lolepur, District Sultanpur in the State of Uttar Pradesh. As a matter of fact, the challenge to the aforesaid entry was made by the Pradhan of village Lolepur whereupon the District Magistrate vide an order dated 09.04.1992 recorded a finding that the entries in the name of the appellant herein were forged entries. It was sought to be concluded that the land entered in the name of the appellant was actually the land belonging to Gram Sabha.

Dissatisfied with the order passed by the District Magistrate dated 09.04.1992, the appellant preferred Writ Petition No.1222(M.S) of 1992 before the High Court of Judicature at Allahabad (Lucknow Bench, Lucknow)(hereinafter referred to as 'the High Court'). The aforesaid writ petition was dismissed by the High Court vide order dated 30.03.2007. Through the instant civil appeal, the appellant has impugned the order of the District Magistrate dated 09.04.1992, as also, the order passed by the High Court on 30.03.2007.

During the course of hearing, we required learned counsel for the appellant, to invite our attention to documents on the basis whereof, an ownership entry could be made in the name of the appellant, in the revenue estate of village Lolepur. At this, we were informed, that the appellant is in possession of certain documents depicting that he was a lease holder of the land under reference. Besides the aforementioned documents, the appellant does not claim to be in possession of any document, on the basis whereof, he can claim ownership rights, to the land under reference.

In view of the above, we find no infirmity in the impugned order passed by the High Court. We, therefore, hereby uphold the order passed by the District Magistrate dated 09.04.1992, as also of the High Court dated 30.03.2007.

The instant appeal is disposed of in the above terms.

.....J.
(JAGDISH SINGH KHEHAR)

For Respondent(s) Mr.Sanjay Visen, Adv.
 Mr. Vinay Garg, Adv.
 Mr.Upendra Mishra, Adv.

Mr. Dinesh Kumar Garg, Adv.(Not Present)

UPON hearing counsel the Court made the following

O R D E R

The Motion Bench order dated 04.09.2013 is recalled. The un-numbered I.A., filed on behalf of the petitioner to bring correct facts on record, is disposed of in terms of the instant order passed by us.

Leave granted.

The instant appeal is disposed of in terms of the signed order.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Assistant Registrar

(Signed order is placed on the file)