

ITEM NO.301

COURT NO.1

SECTION X

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

I.A. No. 3/2013 in Civil Appeal

No(s).

6621/2012

STATE OF UTTARKHAND & ORS.

Appellant(s)

VERSUS

GURU RAM DAS EDUCATIONAL TRUST STY.

Respondent(s)

(for recalling the court's order dated 18.09.2012 and of
fice report)

Date : 08/08/2014 This IA was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s)

Mr. U.K. Unyal, AG (Uttrakhand),
Mr. Dinesh Kumar Garg, Adv.
Mr. Abhishek Garg, Adv.
Mr. Dhananjay Garg, Adv.
Mr. Deepak Mishra, Adv.

For Respondent(s)

Mr. Shanti Bhushan, Sr. Adv.
Mr. Kartik Seth, Adv.
Mr. Praveen Sharma, Adv.
Mr. R.P. Gupta, Adv.
Dr. (Mrs.) Vipin Gupta, Adv.

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

After arguing the matter for some time, M
r.

U.K. Unyal, learned Advocate General for the State of
Uttrakhand (applicant) and Mr. Shanti Bhushan, learned
senior counsel for the respondent agree for t
he

Signature Not Verified

following order:

Digitally signed by

Pardeep Kumar

Date: 2014.08.08

09:48:48 IST

Reason:

(i) I.A. No.3 of 2013 may be referred to the
larger Bench to examine:

(a) Whether there is any conflict in the

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two decisions of this Court (i) Oswal
Fats and Oil Ltd. vs. Additional
Commissioner (Administration) Bareilly
Division, Bareilly and others (2010) 4
SCC 728 with regard to the meaning of the
expression 'person' in Section 154(1) of
the U.P. Zamindari Abolition & Land
Reforms Act, 1950 (for short "1950 Act")

and the judgment between the present
parties - State of Uttrakhand and others
vs. Guru Ram Das Educational Trust
Society, (2012) 11 SCC 648.

(b) If the answer of the above question
is in the affirmative, which of the two
judgments lays down the correct law on
the meaning of the expression 'person' in
Section 154(1) of the 1950 Act.
We order accordingly.

Learned senior counsel for the parties further
agree that answer to the above question shall not
affect the transfer made on 11.1.2013 by the
respondent - Guru Ram Das Education Trust Society
in favour of Mr. Sachin Upadhyay.

(PARDEEP KUMAR)
AR-cum-PS

(RENU DIWAN)
COURT MASTER