

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

Petition(s) for Special Leave to Appeal (Civil) No(s).21520/2012

(From the judgement and order dated 21/03/2012 in WC No.11226/1988  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

LOKENDRA NATH(D) TR.LR.& ANR

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(With prayer for interim relief and office report )

Date: 28/04/2014      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s)

Mr. D.K. Singh, Adv.  
Mr. Pradeep Shukla, Adv.  
Mr. Abhijit Sengupta, Adv.

For Respondent(s)

Mr. Vinay Garg, Adv.  
Mr. Tanmaya Agarwal, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed  
order.

We direct the parties to appear before the  
High Court on 2nd July, 2014.

(Sukhbir Paul Kaur)  
Court Master

(Indu Bala Kapur)  
Court Master

(Signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.                      OF 2013  
(Arising out of S.L.P.(C) No.21520 of 2012)

LOKENDRA NATH(D) THROUGH LR. AND ANOTHER

Appellant(s)

Versus

STATE OF U.P. AND OTHERS

Respondent(s)

O R D E R

We have heard learned counsel for the parties and also perused the paper book.

Leave granted.

The only issue involved in this matter is as to whether the prescribed authority has legally declared 4.30 acres land of the appellants as surplus. However, instead of examining the whole issue in the presence of the parties and the learned counsel for the parties, the High Court has held that the land is a legally declared surplus land. This course was adopted by the High Court as the learned counsel for the appellants was not prepared to make any submission on fact as well as on law, as a prayer had been made for adjournment of the matter.

We are of the considered opinion that since the issues are of some importance to the appellants, the matter needs to be decided on merits.

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Consequently, the appeal is allowed, the judgment and order of the High Court dated 21.3.2012 in Writ-C No. 11226 of 1988 is set aside. The matter is remanded back to the High Court for a decision on merits.

We make it clear that the appellants will be given only one opportunity to appear and make the submission.

We direct the parties to appear before the High Court on 2nd July, 2014.

.....J.  
(SURINDER SINGH NIJJAR)

.....J.  
(A.K. SIKRI)

New Delhi,  
April 28, 2014