

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(s). 3754-3755 OF 2005

SMT.KAMLESH PUNDIR

Appellant (s)

VERSUS

PREETAM SINGH & ANR.

Respondent(s)

(With office report )

Date: 16/11/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s)

Dr. Rajeev Dhavan, Adv.  
Mr. Lakshmi Raman Singh, Adv.  
Ms. Udit Singh, Adv.

For Respondent(s)

Mr. A.P. Mohanty, Adv.  
Mr. M.K. Dua ,Adv

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

The appeals are disposed of in terms of the  
signed order.

(Deepak Joshi)

Sr. P.A.

(Signed order is placed on the file )

(Indu Satiya)

Court Master

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3754-3755 OF 2005

SMT. KAMLESH PUNDIR

.....Appellant (s)

Versus

O R D E R

Heard learned counsel for the parties.

These appeals have been filed against the judgment and order dated 27.04.2004, 27.08.2004 in SA No. 7/1994 & RA No. 137/2004 of the High Court of Judicature At Allahabad, Lucknow Bench.

An important question in this case whether the land in question is exempted from The Urban Land (Ceiling & Regulation) Act, 1976 at the relevant time because it was agricultural land.

Explanation (B) of Section 2 (o) of the Act states:-

"(B) land shall not be deemed to be used mainly for the purpose of agriculture, if such land is not entered in the revenue or land records before the appointed day as for the purpose of agriculture:"

Explanation (C) of Section 2 (o) states:-

"(C) notwithstanding anything contained in Cl. (B) of this Explanation, land shall not be

deemed to be mainly used for the purpose of agriculture if the land has been specified in the master plan for a purpose other than agriculture;"

In our opinion the High Court should have examined the matter properly as to whether the land in question was exempt from ceiling Act in view of the above provisions or not. Hence, we remand the matter to the High

Court for a fresh decision in accordance with law in the light of the observation made above.

decide the matter expeditiously.

The High Court will

Parties may lead fresh

evidence before the High Court, if so advised.

The Appeals are disposed of.

.....J.  
[MARKANDEY KATJU]

.....J.  
[GYAN SUDHA MISRA]

NEW DELHI  
NOVEMBER 16, 2010