

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).259 OF 2011

STATE OF UTTARAKHAND, SECRETARY

APPELLANT(S)

VERSUS

SUCHHA SINGH & ANR.

RESPONDENT(S)

O R D E R

We have heard learned standing counsel for the appellant-State extensively.

We have also perused the list of dates which has been submitted by the learned standing counsel for the appellant.

We have perused the impugned order passed by the High Court.

It is noted that in Ceiling Appeal Nos.632 of 1976 and 39 of 1975-76 filed by both Sohan Singh and Succha Singh against the order dated 28.09.1976 it was stated that subject land is unirrigated land. The appeals were allowed by the court of learned Ist Additional District Judge, *vide* order dated 21.03.1977. Consequently, notice issued under Section 10(2) of the Uttar Pradesh Ceiling on Land Holdings Act, 1966 (for short, "Ceiling Act") was

quashed. The said order attained finality as it was not challenged by the State of Uttar Pradesh or by the appellant-State.

In the aforesaid backdrop, the issuance of a fresh notice under Section 10(2) of the Ceiling Act did not arise at all as there was no material which was available with the State to contend that the subject land had become irrigated land. In fact, there was no determination of the said land as irrigated land.

In the circumstances, being unsuccessful before the authorities, the respondent-Succha Singh filed the Writ Petition bearing WP MS NO.343 of 2001 (old CM WP NO.436 of 1988) before the Allahabad High Court which was later transferred to the High Court of Uttarakhand. By the impugned order dated 28.11.2008, the High Court has allowed the said Writ Petition filed by the first respondent herein by setting aside the orders which were adverse to the respondent pursuant to the notice issued under Section 10(2) of the Ceiling Act which was without any jurisdiction.

In view of there being no challenge to the order dated 21.03.1977, all subsequent proceedings under the Act pale into insignificance.

Apart from that, the High Court has also reserved liberty to the prescribed authority to proceed against the first respondent herein independently in accordance with law if the first respondent was found in possession of land in excess of the ceiling limit, that is, if it was determined to be irrigated land. The appellant-State has not exercised its jurisdiction on the basis of the aforesaid liberty.

Having heard learned standing counsel for the appellant and learned senior counsel for the respondent, we do not find any reason to interfere with the impugned order.

Hence, the appeal is dismissed. No costs.

....., J.
(B.V. NAGARATHNA)

....., J.
(R. MAHADEVAN)

NEW DELHI;
NOVEMBER 26, 2025

ITEM NO.101

COURT NO.4

SECTION III-A

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). 259/2011

STATE OF UTTARAKHAND SECRETARY

APPELLANT(S)

VERSUS

SUCHHA SINGH & ANR.

RESPONDENT(S)

Date : 26-11-2025 This appeal was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s) : Mr. Abhishek Atrey, AOR
Dr. Abhishek Atrey, Adv.
Mr. Vikas Negi, Adv.
Ms. Ambika Atrey, Adv.
Mr. Navneet Gupta, Adv.

For Respondent(s) : Mr. Avtar Singh Rawat, Sr. Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Viplov Kumar Singh, Adv.
Mr. Siddarth Singh, Adv.
Mr. Raj Singh Rana, AOR

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

The appeal is dismissed in terms of the signed order, which is placed on file.

Pending application(s), if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)