

Smt. Kamlesh Kumari vs State Of Uttar Pradesh And Ors. on 19 February, 1981

Equivalent citations: AIR1982SC1248, (1982)3SCC315, AIR 1982 SUPREME COURT 1248, 1981 ALL. L. J. 1139, 1982 ALL. L. J. 1139, 1983 ALL CJ 45.2, (1982) IJR 82 (SC), 1982 (3) SCC 315

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Bench: A. Varadarajan, S. Murtaza Fazal Ali

JUDGMENT

S.M. Fazal Ali, J.

1. The short point taken by Mr. Ashok Sen in support of the petition is that even assuming that the finding of the Prescribed Authority that the transfer was not bona fide is correct, the Prescribed Authority was in error in not excluding the land said to have been transferred from the surplus area. The land which was the subject matter of transfer was covered by plot No. 460. The contention is well founded and must prevail. In these circumstances, we set aside the Judgment of the High Court and that of the Prescribed Authority and remit the case to the Prescribed Authority to decide the surplus land in accordance with Section 12A(d) of the Act by excluding the area which was the subject of transfer as far as possible.

2. The appeal is disposed of accordingly.