

Pt. Madan Swaroop Shrotiya Public ... vs State Of U.P. And Ors. on 18 January, 2000

Equivalent citations: AIR2000SC3415, JT2000(3)SC391, (2000)6SCC325, AIR 2000 SUPREME COURT 3415, 2000 ALL. L. J. 1460

Author: D.P. Wadhwa

Bench: D.P. Wadhwa

JUDGMENT

1. These appeals relate to proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 (Act 33 of 1976). The prescribed authority had declared an area of 4314.60 Sq. mtrs. of land as surplus. This Order was challenged in appeal. But the appellate authority rejected the appeal where after a writ petition was filed in the High Court which too was dismissed. It is in these circumstances that these appeals have been filed in this Court which also granted an Order of "status quo" in respect of possession of the surplus land.

2. The Act has since been repealed by the Urban Land (Ceiling and Regulation) Repeal Act, 1999 (Act 15 of 1999). The Legislature of State of U.P. has since adopted the provisions of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 by a resolution as required by Article 252(2) of the Constitution. The Repealing Act has since come into force in the State of U.P. with effect from 18-3-1999. The appellant has filed a supplementary affidavit dated 31-10-1999 in this Court and on that basis, it has been prayed that the present proceedings be abated. The State has not filed any reply to this affidavit.

3. Section 4 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 provides as under:

4. Abatement of legal proceedings-All proceedings relating to any Order made or purported to be made under the principal Act pending immediately before the commencement of this Act, before any Court, Tribunal or other authority shall abate;

Provided that this Section shall not apply to the proceedings relating to Sections 11, 12, 13 and 14 of the principal Act in so far as such proceedings are relatable to the land possession of which has been taken over by the State Government or any person duly authorized by the State Government in this behalf or by the competent authority.

4. In the counter-affidavit not a word has been said about the possession of the surplus land. In fact, it is maintained by the appellant that the possession is still with the appellant who was also granted an interim Order regarding "status quo"

5. Since there is nothing on record to indicate that the State had taken possession over the surplus land, the present proceedings have to be abated and are hereby abated under Section 4 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999.

6. The appeals are disposed of finally.