

ITEM NO.12

COURT NO.6

SECTION XI

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 (C) No(s). 3995/2020

(Arising out of impugned final judgment and order dated 14-10-2019 in MS No. 2452/1997 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

HARI KANT

Petitioner(s)

VERSUS

BOARD OF REVENUE, U.P., LUCKNOW & ORS.

Respondent(s)

(IA No. 25771/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 25773/2020 - EXEMPTION FROM FILING O.T. IA No. 152881/2021 - STAY APPLICATION)

WITH

SLP(C) No. 3933/2020 (XI)

(IA No. 25255/2020 - EXEMPTION FROM FILING O.T. IA No. 152867/2021 - STAY APPLICATION)

SLP(C) No. 3984/2020 (XI)

(IA No. 25723/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 25725/2020 - EXEMPTION FROM FILING O.T. IA No. 152885/2021 - STAY APPLICATION)

Date : 24-08-2022 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Amrendra Kumar Mehta, AOR
Mr. Vivek Aggarwal, Adv.
Mr. Nishikant Srivastava, Adv.

For Respondent(s) Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.

Mr. S.R. Singh, Sr. Adv.
Mr. Ajay Singh, Adv.
Mr. Ram Kumar, Adv.
Mr. Abhinav Raghav, Adv.
Mr. Rajeev Kumar Jha, Adv.
Mr. Vivek Narayan Sharma, AOR

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

Heard learned counsel for the parties.

These special leave petitions arise out of a common order passed by the High Court of Judicature at Allahabad, Lucknow Bench in a batch of writ petitions, arising out of the consolidation proceedings. By the order impugned in these special leave petitions, the High Court merely remanded the matter back to the Board of Revenue for a fresh consideration on merits, as the High Court felt that there were questions of fact to be decided.

The contention of the learned counsel for the petitioners is that there is bar of jurisdiction of the Revenue as well as the Civil Courts under Section 49 of the U.P. Consolidation of Holdings Act, 1953.

Even if it be so, it is always open to the petitioners to highlight Section 49 of the said Act, to the Board of Revenue and make a point. It is not as if the Board of Revenue cannot go by the statutory provisions and the law laid down.

Therefore, these special leave petitions are dismissed.

However, it is open to both sides to advance arguments on all issues including the merits as well as the jurisdiction.

Pending applications, if any, stand disposed of accordingly.

(MANISH ISSRANI)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)