

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 6665-6666 OF 2019
(Arising out of SLP (C) Nos.25036-25037 of 2017)

JYOTSANA

... Appellant

VERSUS

STATE OF UTTAR PRADESH & ORS.

... Respondents

O R D E R

Leave granted.

Though the respondent is served, there is no representation from the State and the other respondents.

Heard learned counsel for the appellant and perused the records.

The Revenue Board had set aside the order passed by the Additional Collector on the ground that the post of Additional Collector is not equivalent to the post of Collector. The Revenue Board did not consider the case on merits. When the matter was taken up further before the High Court, it was held that the "Additional Collector" is equivalent to the "Collector" for deciding the matter in question.

In our considered opinion, though the High Court was justified in concluding so, it should have remanded the matter to the Revenue Board for decision on merits. As mentioned supra, the Revenue

Board had not dealt with the case on merits but it had merely proceeded on technical ground of competency of the officer to decide the matter.

In view of the same, the matter is remitted to the Revenue Board for decision on merits. Needless to observe that the Revenue Board shall not raise the question of competency of the Additional Collector. All other questions on merits are to be decided by the Revenue Board.

The appeals are allowed to the aforesaid extent. There shall be no order as to costs.

....., J.
(Mohan M. Shantanagoudar)

....., J.
(Sanjiv Khanna)

New Delhi;
August 23, 2019.

ITEM NO.36

COURT NO.12

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).25036-25037/2017

(Arising out of impugned final judgment and order dated 28-09-2016 in WP No. 2327/2007 10-02-2017 in RP No. 109281/2016 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

JYOTSANA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 90192/2017 IA No. 84671/2017 - EXEMPTION FROM FILING O.T. IA No. 90192/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-08-2019 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Nikhil Majithia, AOR

For Respondent(s) Mr. Harish Pandey, AOR (NP)

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

Leave granted.

The appeals are allowed to the extent indicated in the signed order. There shall be no order as to costs.

(GULSHAN KUMAR ARORA)
COURT MASTER

(R.S. NARAYANAN)
COURT MASTER

(Signed order is placed on the file)