

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.182 OF 2020  
(Arising out of SLP(Civil) No.29120 of 2016)

COMMITTEE OF MANAGEMENT, KUMARI MANJULATA  
MEMORIAL INTER COLLEGE & ANR.

APPELLANT(S)

VERSUS

STATE OF U.P & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

The appellants are aggrieved by order dated 09.06.2016 dismissing their challenge to the correction of the revenue entries dated 15.02.2000 as late as 29.02.2016. It is submitted that the school was established after a resolution of the Gaon Sabha dated 15.01.1987. There are about 600 students studying with a proper building. Reliance is placed on the photographs annexed to the application. The order dated 29.02.2016 is stated to have been passed ex parte without notice to the appellants for any opportunity of defence.

Learned counsel for the State submits that the lands in question being public utility lands belonging to Gaon Sabha could not have been allotted to the appellants in view of the bar under Section 132 of the U.P. Zamindari

Abolition & Land Reforms Act, 1950. In a consolidation proceeding the lands which were earlier recorded as Khalihan were wrongly recorded in the name of the appellants in the year 2000.

We have considered the submissions on behalf of the parties. At this stage the only question arising for our consideration is whether the appellants were entitled to an opportunity of defence or not. The fact that their defence may not ultimately be termed nor to be acceptable is an entirely different matter and cannot be substituted for lack of compliance of principle of natural justice.

We, therefore, set aside the impugned orders and allow the appeal with liberty to the respondents to proceed afresh in accordance with law. Nothing in the present order shall be deemed or construed as any expression of opinion by us on the merits of the claim of the parties.

.....J.  
(NAVIN SINHA)

.....J.  
(KRISHNA MURARI)

New Delhi  
January 10, 2020

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).29120/2016

(Arising out of impugned final judgment and order dated 09-06-2016 in WC No.16091/2016 passed by the High Court Of Judicature At Allahabad)

COMMITTEE OF MANAGEMENT, KUMARI MANJULATA  
MEMORIAL INTER COLLEGE & ANR.

Petitioner(s)

VERSUS

STATE OF U.P AND ORS.

Respondent(s)

Date : 10-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA  
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)

Mr. D. N. Goburdhan, AOR

For Respondent(s)

Mr. Ajay Kumar Mishra, Sr. Adv. [AAG (UP)]  
Mr. Tanmaya Agarwal, AOR  
Mr. Shewtank S., Adv.  
Mr. Wrick Chatterjee, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stands disposed of.

(ARJUN BISHT)  
COURT MASTER (SH)

(DIPTI KHURANA)  
BRANCH OFFICER

(signed order is placed on the file)