

ITEM NO.17

COURT NO.2

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). 33326/2017

(Arising out of impugned final judgment and order dated 25-02-2015 in WP No. 4228/1981 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

MISHRI LAL & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

IA No.121840/2017-CONDONATION OF DELAY IN FILING and IA No.121845/2017-EXEMPTION FROM FILING O.T. and IA No.121835/2017-PERMISSION TO FILE SLP/TP

IA D. NO.43431/2023- APPLICATION FOR BRINING THE LRS OF DECEASED R-3 ON RECORD

Date : 11-04-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Yashwardhan Singh, Adv.
Ms. Diksha Rai, AOR
Ms. Atiga Singh, Adv.

For Respondent(s) Mr. P.S. Patwalia, Sr. Adv.
Ms. Parul Shukla, AOR
Mr. D.K.S. Chauhan, Adv.
Ms. Shreya Bhojnagarwala, Adv.

Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.

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

Permission to file SLP is granted.

Delay condoned.

Application for bringing the legal heirs of
deceased respondent No.3 is allowed.

The effect of no surplus land being found results in a consequence where the alleged surplus land at the relevant time being allotted to the petitioners cannot take effect.

This does not deprive the petitioners from allotment in accordance with the policy of the State Government but the land in question cannot be allotted as it is not surplus land.

The result of the aforesaid is that the appeal is dismissed but with liberty to the petitioners to apply to the State Government for allotment of surplus land in accordance with its policy, keeping in mind that the land allotted to the petitioners has been finally found not to be surplus.

The Special Leave Petition is accordingly dismissed.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)