

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).8806-8807 OF 2019
(Arising from SLP© Nos.6653-6654/2019)

THE DISTRICT COLLECTOR & ORS. APPELLANT(S)

VERSUS

M/S. JYOMAN BUILDERS PVT. LTD. & ORS. RESPONDENT(S)

O R D E R

1. Leave granted.
2. These appeals take exception to the judgment and order dated 05.06.2018 in Company Appeal No.22/2011 and dated 02.08.2018 in Review Petition No.674/2018 passed by the Division Bench of the High court of Kerala at Ernakulam.
3. By the impugned judgment(s), the High Court, while dealing with the Company Appeal went on to make observation on matters regarding status of the land owned by the Company in liquidation - whether it is *patta* land or *poramboke* land.

4. According to the appellant, the subject land presently falls within the river bed area.

5. In any case, these are matters which could be enquired into only by the revenue authorities by way of proper enquiry to be conducted in accordance with law.

6. Respondent No.94, if so desires, is free to take course to such remedy including for survey of the subject land and for its demarcation. If such application is filed by the respondent(s) before the revenue authority, the same be proceeded forthwith in accordance with law without being influenced by the observations made in the impugned judgment(s).

7. The impugned judgment(s) are set aside and the appeal(s) are allowed.

8. If the respondent(s) file any application before the revenue authority, the same be processed expeditiously and not later

than six months from its receipt after giving
due opportunity to all concerned.

....., J.
(A.M. KHANWILKAR)

....., J.
(DINESH MAHESHWARI)

NEW DELHI
NOVEMBER 18, 2019

NO.40

COURT NO.7

SECTION XI-A

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). 6653-6654/2019

(Arising out of impugned final judgment and order dated 05-06-2018 in COA No. 22/2011 02-08-2018 in RP No. 674/2018 passed by the High Court Of Kerala At Ernakulam)

THE DISTRICT COLLECTOR & ORS.

Petitioner(s)

VERSUS

M/S. JYOMAN BUILDERS PVT. LTD. & ORS.

Respondent(s)

(IA No. 67767/2019 - EXEMPTION FROM FILING O.T.)

Date : 18-11-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Nishe Rajen Shonker, AOR
Ms. Anu K. Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Nebil Nizar, Adv.

For Respondent(s) Mr. M. Gireesh Kumar, Adv.
Mr. A.S. Naushad, Adv.
Mr. Ankur S. Kulkarni, AOR
Ms. Richa Bharadwaj, Adv.

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

Leave granted.

The appeals are allowed in terms of the
signed order.

In view of the above, pending application(s)
shall stand disposed of.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)