

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 2524-2525 OF 2020
(Arising out of SLP (C) Nos. 5165-5166 of 2020)

M/S BINNY INFRASTRUCTURE PVT. LTD. Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS. Respondent(s)

ORDER

In the present matter, the High Court of Judicature at Allahabad, vide the impugned judgment, dismissed two writ petitions on the ground that the statutory remedy should be availed and that a suit with regard to Gata No. 637 is pending in the Civil Court.

Having heard Shri Ranjit Kumar, learned senior counsel appearing for the appellant, and Shri P. S. Patwalia, learned senior counsel appearing for respondent No. 4 at some length, we feel that the matter can be disposed of at this stage itself.

By order dated 13.01.2020, the competent authority- Tehsildar, Sadar, Lucknow, had allowed a restoration application and put up the case file on 21.01.2020 for evidence to further consider whether a

mutation order dated 12.11.2012 should or should not continue.

In addition, by an order on the very next date, on 14.01.2020, the Sub-Divisional Officer, Tehsil Sarojini Nagar, Lucknow, decided, so far as demarcation of the plot is concerned, as follows:

“As name of plaintiff is not there in the present Khatoni in the referred case Binni Infrastructure Pvt. Ltd. versus Arawali etc., proceedings of the case are closed. Case file be consigned to office after necessary proceedings.”

The Tehsildar, Sadar, Lucknow, is directed to hear the proceeding pending before him so far mutation is concerned within a period of one month from today after hearing all the parties before us. It will be open for all the parties to raise all points/issues which may be suitably answered by other parties. The Tehsildar will decide the matter within a period of one month thereafter.

So far as order dated 14.01.2020 of Sub-Divisional Officer is concerned, we set aside the same. Depending upon whether the Tehsildar allows or disallows the mutation that has already taken place in 2012, the demarcation proceedings before the SDO may be revived. In case the order of mutation is made in favour of retaining the original order of 2012, the SDO will hear all concerned parties in the demarcation proceedings and thereafter, proceed to demarcate the property in question. The SDO will, in case the Tehsildar decides

in favour of retaining the 2012 mutation, decide the demarcation proceedings within a period of six weeks after the date of judgment / order of Tehsildar.

The appeals are disposed of accordingly.

.....,J.
[ROHINTON FALI NARIMAN]

.....,J.
[NAVIN SINHA]

.....,J.
[B.R. GAVAI]

New Delhi;
June 08, 2020.

ITEM NO.6

Virtual Court No. 4

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) Nos. 5165-5166/2020

(Arising out of impugned final judgment and order dated 06-02-2020 in WPMS No. 3139/2020 and WPMS No. 3140/2020 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

M/S BINNY INFRASTRUCTURE PVT LTD

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.35451/2020-EXEMPTION FROM FILING O.T.)

Date : 08-06-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Ms. Ruchi Kohli, Adv.
Mr. Yash Mishra, Adv.
Mr. Pronoy Chatterjee, Adv.
Mr. R. C. Kohli, AOR

For Respondent(s) Mr. P. S. Patwalia, Sr. Adv.
Mr. Rajat Singh, AOR

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

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending application stands disposed of.

(NIDHI AHUJA)
AR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER

[Signed order is placed on the file.]