

(1997) 09 SC CK 0113

In the Supreme Court Of India

Case No : Civil Appeal No's. 29 and 30 of 1994, 9855 of 1995 and 6079 of 1997
Arising out of SLP (C) No. 2825 of 1994

Hubli Dharwad Urban Development Authority

APPELLANT

Vs

Vidyaranya Sangha

RESPONDENT

Date of Decision : 02-09-1997

Acts Referred:

Urban Land (Ceiling and Regulation) Act, 1976 — Section 2, 20

Citation : (1998) 8 SCC 365

Hon'ble Judges : K. Venkataswami, J;A. S. Anand, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Leave granted.

2. Common question of law and fact is involved in these three appeals and they are being disposed of by this common order. We have heard learned counsel for the parties and examined the record. Both the learned Single Judge and the Division Bench of the High Court opined that once exemption is granted u/s 20 of the Urban Land (Ceiling and Regulation) Act, 1976, it was not permissible for any other authority to require the exempted to obtain an order of conversion of that land for non-agricultural purposes. In taking this view, the Court was influenced by the fact that the power u/s 20 of the Act could be exercised only if the land in question was urban land.

3. Section 20(1)(6) unmistakably shows that if any person holds vacant land in excess of the ceiling limit and satisfies the Government regarding hardship then the exemption may be applied for and the Government can grant exemptions.

4. Section 2(q) of the Act defines "vacant land" to mean, "not being land mainly used for the purpose of agriculture, in an urban agglomeration...."

5. These definitions when considered with the exemption order which records that the Government was granting exemption in respect of "the excess vacant

land specified in the Schedule" unmistakably shows that the opinion of the High Court is unexceptionable.

6. We do not find any merit in these appeals. They are dismissed but without any order as to costs.

7. In this appeal, service of the respondent is not complete, but the view we propose to take, we do not think it necessary to wait for the service of the respondent.

8. By our order in CA No. 29 of 1994, etc., we have upheld the judgment of the High Court and dismissed the appeals. The orders in those appeals will govern this appeal and consequently the appeal is dismissed but with no order as to costs.