

(2000) 02 SC CK 0079

In the Supreme Court Of India

Case No : Writ Petition (C) No. 465 of 1980

Natthi and Others

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 08-02-2000

Acts Referred:

Haryana and Uttar Pradesh (Alteration of Boundaries) Act, 1979 — Section 3

Citation : (2000) 7 JT 382 : (2001) 9 SCC 295

Hon'ble Judges : M. B. Shah, J;B. N. Kirpal, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

B.N. Kirpal and M.B. Shah, JJ.—The Petitioners in this petition are persons who are stated to be the owners of land in areas which were at one point of time in the District of Bullandshehar. Pursuant to the enactment of The Haryana and Uttar Pradesh (Alteration of Boundaries) Act, 1979 [for short 'the Act'] fixed boundaries, in place of fluctuating boundaries, were demarcated by the authorities u/s 3 of the said Act. As a result of the said demarcation some areas which were previously in the State of U.P. are stated to have been added to the State of Haryana and vice-versa.

2. The Petitioners' case is that the land which was in their occupation has now fallen in the State of Haryana while in the other writ petitions the position is the converse, namely, the land which was stated to be in the State of Haryana has now been added to the State of UP. The Petitioners wanted their names to be added to the Revenue Records in the State to which the land had got attached. Residents of three villages are the Petitioners in this writ petition. They were the residents of villages Kanigarhi, Shamsham Nagar and Govinsgarh. They were formerly in District Bullandshahar, which is a part of U.P. and now these areas have got transferred in the State of Haryana in Tehsil Palwal, District Faridabad as a result of permanent boundaries being fixed.

3. On 14th November, 1986 this Court passed an order in which it was inter alia stated that it was satisfied that in the first instance the Petitioners were entitled to be entered in the Revenues Records of the State of Haryana in respect of those plots corresponding to the entries in the Revenue Records maintained by the State of U.P. and possession of such plots should be handed over to the Petitioners accordingly. The Collector of Bullandshahar and the Collector of Faridabad were directed to sit together and resolve the dispute. It is pursuant to this direction that the two Collectors submitted a report dated 3rd February, 1989 to this Court. In the said report it is inter alia stated that the Sub-Divisional Magistrates of both the Sub-Divisions, namely, Khurja and Palwal met on various dates and completed the work of conversion of the areas from Bighas etc. to kanals etc. plot wise as well as Khata wise. This was done in respect of 384 acres in village Kanigarhi and approximately 128 acres in Shamsham Nagar. It was further stated in this report that corresponding entries had been done in the permanent Revenue Record of Haryana, that is to say, in the Jamabandi, It was further stated in this report that some time was taken to handover the possession to the Petitioners in the aforesaid two villages and the said Petitioners were satisfied and had taken possession on 2nd February, 1989 of the land which was transferred from village Kanigarhi and Shamsham Nagar to Haryana. With regard to villagers of these two villages it was finally stated that there does not exist any dispute regarding possession qua them. The only grievance which is now outstanding according to Mr. Ranjit Kumar is that these villagers, whose names have now been entered in the Jamabandi in Haryana are entitled to get their Khata. We direct that the Collector of Faridabad to see that Khatas are given to the Petitioners and to all the other persons who had become entitled to receive the same as a result of their names being added to the Jamabandi pursuant to the exercise undertaken by the Collectors of Bullandshahar and Faridabad and in furtherance to give effect to the said report dated 3rd February, 1989. This exercise will be done within eight weeks from today.

4. In the said report it is also mentioned that despite best efforts the problem of village Govinsgarh has not been sorted out because of duplicity of records which has crept in due to over-lapping of land records in the past. This problem has not been resolved till this day. Disputed questions of fact are involved and it is not appropriate or possible for this Court, hearing a petition under Article 32 of the Constitution of India to resolve these disputes. We, therefore, leave the parties to approach the concerned Courts/ Revenue Authorities for relief in the light of the provisions contained in the Haryana and UP. (Alteration of Boundaries) Act, 1979 and such other law as may be applicable in this behalf. The Authorities/ Courts concerned will look into such evidence as may be adduced by the parties including the revenue records of the State of UP. and of State of Haryana as well as the local laws applicable in the two States.

5. This petition is disposed of in the aforesaid terms.