
(1981) 08 SC CK 0034

In the Supreme Court Of India

Case No : Civil Appeal No's. 352 and 353 of 1970

State of Uttar Pradesh

APPELLANT

Vs

Arshad Ali Khan
State of Uttar Pradesh Vs Abdul
Ghaffar

RESPONDENT

Date of Decision : 18-08-1981

Acts Referred:

Citation : AIR 1982 SC 780(1) : (1981) 4 SCC 144

Hon'ble Judges : V. Balakrishna Eradi, J;R. B. Mishra, J;A. D. Koshal, J

Bench : Full Bench

Final Decision : allowed

Judgement

A.D. Koshal, J.—An order of eviction from certain plots of land passed under the U.P. Public Lands (Eviction and Recovery of Rent and Damages) Act, 1959 (hereinafter referred to as the Act) was confirmed in appeal by the Additional District Judge, Kumaon. The appellate order was sought to be revised through an application filed in the Allahabad High Court, a learned single Judge of which held, following a judgment of a Full Bench of that Court in Raja Ram Verma Vs. State of U.P. and Others, that the Act was ultra vires of the Constitution in its entirety and that, therefore, the eviction order had to be set aside. The application made by the respondent to the High Court was accepted solely on that ground. The order of the High Court is dated the 30th July, 1969 and it is that order which is impugned in this appeal by special leave.

2. Learned Counsel for the parties are agreed that in view of the dictum of this Court in Maganlal Chhaganlal (P) Ltd. Vs. Municipal Corporation of Greater Bombay and Others, the Act cannot be deemed to suffer from any unconstitutionality. We hold accordingly, accept the appeal, set aside the impugned judgment and remand the case to the High Court for deciding the other points arising in the petition filed before it for revision of the order of the learned Additional District Judge. There will be no order as to costs.