

A

RANDHIR SINGH AND ORS.

v.

DEPUTY DIRECTOR OF CONSOLIDATION
AND ORS.

B

APRIL 1, 1997

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

U.P. Consolidation of Holdings Act, 1954: Section 3(5).

C

'Land'—Definition of—Buildings occupying the land and used for commercial purposes held not covered by Act.

U.P. Zamindari Abolition and Land Reforms Act, 1950:

D

Appellants and respondents holding haats—Question whether such lands vest in the State on abolition of the estates etc.—Question left open since the State is not a party to these proceedings.

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 1097 and 1098 of 1979.

E

From the Judgment and Order dated 30.11.77 of the Allahabad High Court in S.A. Nos. 1047-48 of 1970.

T.N. Singh, B.M. Sharma and S.N. Singh for the Appellants.

The following order of the Court was delivered :

F

These appeals by special leave arise from the judgment of the Division Bench of the High Court of Allahabad, made on 30.11.1977 in Special Appeal Nos. 1047 & 1048 of 1970.

G

It is not necessary to dilate upon the three-tier history of the litigation. Suffice it to state that pursuant to the remand order made by the High Court in the last instance, the Deputy Director has gone into the question whether the Settlement Officer under the Consolidation Act has jurisdiction to decide the dispute. Section 3(5) of the U.P. Consolidation of Holdings Act defines "land" to mean the land held or occupied for the purpose connected with agriculture, horticulture and animal husbandry

H

which includes pisciculture and poultry form and also the site, being part

of a holding, of a house of other similar structures.

A

In view of the above definition under Section 3(5) of the Consolidation Act, the buildings occupying the land and used for commercial purposes are not covered by the Act. Therefore, the High Court had left the dispute open for a decision by the appropriate Court.

B

It is an admitted position that the appellants and the respondents are holding haats in those areas. Under the U.P. Land Reforms Act, 1950 the question whether such lands vest in the State on abolition of the estates etc. is also a matter left open since the State is not a party to these proceedings. It may be open to the appellants to have their right adjudicated as ordered by the High Court in an appropriate proceeding according to law.

C

The appeals are accordingly dismissed. No costs.

T.N.A.

Appeals dismissed.

D