

ITEM NO.36

COURT NO.4

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.1132/2016

(Arising out of impugned final judgment and order dated 20/11/2015 in WB No. 61852/2015 passed by the High Court of Judicature at Allahabad)

TARGHIV AHMAD @ MOHAMMAD TALHA

Petitioner(s)

VERSUS

MANJAR ABBAS & ORS.

Respondent(s)

(With appln. (s) for exemption from filing O.T. and interim relief)

Date : 22/01/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. R.K. Singhal, Sr. Adv.
Ms. Nikhi Sharma, Adv.
Mr. Sanjay Kumar Singh, AOR

For Respondent(s)

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

It is submitted by the learned counsel for the petitioner that the High Court has not appreciated in proper perspective the ambit and sweep of Section 333 of the U.P. Zamindari Land Abolition and Land Reforms Act, for the said provision relates to invocation of *suo motu* power of the

Board or the Commissioner or the Additional Commissioner, as the case may be. It is urged by him that in the original proceeding preferred under Section 229-B of the Act, the petitioner was not a party, but, unfortunately, an application under Order IX Rule 13 of the Code of Civil Procedure was filed and after realizing the same, the revision preferred against the order of rejection was not pressed and the revision challenging the order on merits was preferred. It is contended by the learned counsel for the petitioner that the said revision is one preferred under Section 333 of the Act and when the revisional authority had remitted the matter to hear the petitioner and dispose of the suit on merits, the High Court would have well advised not to interfere.

Issue notice.

Neither of the parties shall create any third party interest in respect of the suit property.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master