

PETITIONER:
ARJUNA & OTHERS

Vs.

RESPONDENT:
STATE OF MAHARASHTRA AND OTHERS

DATE OF JUDGMENT 02/05/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1995 SCC Supl. (3) 19 1995 SCALE (3) 692

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

The High Court allowed the appeal on the ground that the private respondents are within the ceiling limit and, therefore, allotment of the surplus land to the respondents is illegal. In ground No. 5 of the special leave petition it was specifically pleaded that the respondents are declared to be a surplus holder and the excess land was assigned to the appellants. By order dated March 22, 1995, we had directed both the parties to produce the return filed by the respondents. The appellants were directed to get the certified copy of the said return as well as the copy of the return filed by the respondents.

It is stated by Dr. N.N. Ghatate, learned senior counsel for the respondents, that through Mr. S.V. Deshpande, the learned instructing counsel, had written letters to the party he has not received any response. Mr. Parekh, learned counsel appearing for the appellants, stated that they could not procure the certified copy.

In that view of the matter, ground No. 5 has remained undisputed. The appeal is, accordingly, allowed on that terms and the order of the High Court is set aside. In case the respondents were declared to be within the ceiling limit, liberty is given to them to file a review petition within a period of two months from today. No costs.