

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. 188 of 2004**

IN THE MATTER OF:

M/s. Raiganj Consumer ForumPetitioner
Versus
Union of India and othersRespondents

I.A. No. 131614 OF 2020

**APPLICATION ON BEHALF OF THE STATE OF
UTTARAKHAND FOR MODIFICATION OF
ORDER DATED 14.1.2020**

**PAPER BOOK
(For Index Kindly See Inside)**

**ADVOCATE FOR THE STATE OF UTTARAKHAND
MR. JATINDER KUMAR BHATIA**

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APPLICATION ON BEHALF OF
THE STATE OF UTTARAKHAND FOR
MODIFICATION OF ORDER
DATED 14.1.2020

To,
HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA

Humble Application of the
Applicant Abovenamed

MOST RESPECTFULLY SHOWETH:

1. That the present writ Petition is pending disposal before this Hon'ble Court wherein the acquisition of large tracts of land in several states by "Golden Group of Companies" having collected hundreds of crores of rupees from the general public through investment schemes is pending adjudication.

2. While this Hon'ble Court has ordered the Income Tax Department to value most of the properties of the "Golden Group of Companies" and auction them and make payment to the investors, vide order dated 30.7.2018 this Court prima facie found that those lands which were found to be "surplus" for the holdings being in excess of the land ceiling laws and stood vested in the State Govt. could not be sold and had deferred decision on the same. Following is the relevant extract from the order dated 30.7.2018 passed by this Hon'ble Court:-

"It was also pointed out by the learned counsel appearing for the State of Punjab and Deputy Advocate General for the State of Uttrakhand that the surplus land declared by the State of Punjab and State of Uttrakhand has also been included in the auction notice; the property declared surplus could not have been included in the auction notice for the

purpose of sale as property of State Government which has already vested cannot be sold for the purpose of satisfaction of the debt if any incurred by the Golden Forest Group (GFG) and by others. We are of the prima facie opinion that the land that has been declared surplus and has vested in the State cannot be sold and consequently put to auction. There is some litigation about surplus land pending before the Court(s) including the one preferred by the Committee so as to seek declaration that property is not surplus property. Be that as it may, as the property has been declared surplus, prima facie without adjudicating conclusively upon said issue, it cannot be sold outrightly at this stage. We will take a final call upon this aspect at a later stage. At present, we are not directing the valuation of the land that has been declared surplus by the State of Punjab and State of Uttarakhand. At the first instance, we want to obtain valuation report with respect to the properties mentioned in Part-A available for Sale and with respect to the property mentioned in Part B 7 'Properties/lands under litigation before Court/Committee' and also the property which can be identified out of Part-D. Let identification of Part-D property, if possible, as well as its valuation and also the fact that whether any part of it has been declared surplus be also reported to this Court."

Annexed hereto and marked as **Annexure R-1** is a copy of Order dated 30.7.2018 passed by this Hon'ble Court in the present petition. (Page 15 to 51)

3. That in the year 1950, Legislature of the State of Uttar Pradesh enacted the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950. This Act is one of those Acts, which has been included in the Ninth Schedule of the Constitution of India. On 9th November, 2000, bifurcating a part of the State of Uttar Pradesh, State of Uttarakhand was created by and under the Uttar Pradesh Reorganisation Act, 2000. In terms of Section 86 of the 2000 Act, provisions of Part II thereof shall not be deemed to have affected any change in the territories to which Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 (U.P. Act 1 of 1961) and any other law enforced immediately before the appointed day, extends or applies, and territorial references in any such law to the State of Uttar Pradesh shall, until otherwise provided by a competent Legislature or other competent authority be construed as meaning the territories within the existing State of Uttar Pradesh before the appointed day. Thus, the 1950 Act continued to apply to the territory of the State of Uttar Pradesh which became the territory of the State of Uttarakhand. In 2001, the State of Uttarakhand adopted the 1950 Act without any modification.

4. That Sections 129-B, 154, 157-A, 157-B, 157 (4), 166, and 167 of the adopted Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, as modified by the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment Act) 2003 promulgated on 12th September, 2003/15th January, 2004 provide that a transfer of land by a bhumidar to any person, society or company, in the aggregate exceeding 12.5 Acres (agricultural land) & 250 sq. mts. (residential purpose) cannot be made without the prior sanction of the Collector of the District / the State Government. Furthermore in the absence of such permission, the said transfer shall be void in terms of Section 166 and land would deemed to have stand vested in the Govt. in terms of section 167 of the Act from the date of such transfer.
5. The object of the above statutory provisions is to prevent indiscriminate purchase and sale of land in the State for the purpose of profiteering and to ensure agricultural community is not alienated from their land. With this objective, the said Act & the amendment are part of 9th Schedule of the Constitution and accordingly are beyond challenge before a Constitutional Court.

6. That M/s Golden Forest (India) Ltd. & its subsidiary companies, acting through their Directors / Authorised persons, either in their own names or in the name of their Companies allegedly purchased huge tracts of lands extensively in the State of Uttarakhand. All those transfers which pertained to land more than 12.50 acres/250 sq. mts. or was by a SC/ST member and for which no prior permission as prescribed in terms of the afore noted Sections of the Z.A.L.R. Act was obtained from the State Administration, were void in terms of Section 166 thereof and all such Lands which were subject matter of such transfers/ purchases stood vested in State Government per provisions of section 167 of the Act from the date of such transfer.

7. It is submitted that as per information received from the District Magistrate Dehradun, for violation of provisions of Section 154 of the Act as aforesaid, a total of 486.352 Hectares of land alleged to have been purchased by M/s Golden Forest (India) Ltd. & its allied/subsidiary companies of land was declared Surplus and vested in the State. These lands are situate in 4 Tehsils of Dehradun (163.3085 Hectares), Vikas Nagar (317.1625 Hectares), Doiwala (2.757 Hectares) and Rishikesh (3.124

Hectares). Vestment of these lands in favour of the State took place vide six orders dated 21.8.1997, one order dated 28.8.1997 and one order dated 2.6.2003 which were passed by the Competent Authority namely the Addl Collector 1st Grade / Pargana Officers at Dehradun and Vikas Nagar.

8. As against such vesting of land with the Govt. several cases were filed in various revenue courts of erstwhile State of Uttar Pradesh and later came before the High Court of Uttarakhand and then travelled to this Hon'ble Court. This Hon'ble Court vide order dated 11.04.2011 allowed the State Govt's appeal and orders passed by Board of Revenue U.P. were set aside and matter was remanded back to the Board of Revenue Uttarakhand. It is pertinent to mention here that this Hon'ble Court by order dated 10.03.2014 passed in I.A. No. 03 of 2014 in Civil Appeal No. 3195 of 2011 had also directed for giving the opportunity of hearing to the committee Golden Forest India Ltd. Later the Board of Revenue Uttarakhand by several orders, starting with order dated 21.10.2014 and continuing upto 11.3.2019 set aside almost all the orders of vestment passed by the Addl Collectors / Pargana Officers on the ground that since

the Bhumidars were claiming to not having sold the lands to Golden Forest Companies but somebody else and vestment orders having been passed without hearing them, they needed to be individually heard and each sale needed to be carefully scrutinized and identity of the seller and the purchaser be established beyond doubt. The Board of Revenue thus remanded these matters back to the court of Collector / Additional Collector for fresh decision.

9. As of now there are a total of 141 cases that are pending before the court of the Additional Collector (Administration) Dehradun and 12 cases that are pending before the court of the Additional Collector (Finance and Revenue) Dehradun. In each of these cases notices were issued to each of the Bhumidars and elaborate hearings have been held in these matters and the Bhumidars as well as the representative of the GFIL Committee appointed by this Hon'ble Court have been heard in these proceedings. These proceedings being judicial in nature, compliance of provisions of natural justice has been ensured by the adjudicating officers and that is why the proceedings have been protracted and have taken so much time.

*not in the
power of Revenue
Court*

*False
no notice to Committee
in 5 other cases*

10. That vide order dated 14.12.2020 this Hon'ble Court was pleased to pass the following order in the present petition:-

"It was stated by the learned counsel appearing for the State of Uttarakhand that the Uttarakhand Authorities are proceeding to take up the matter of Urban Land Ceiling Act, it is assured on behalf of the learned counsel that no final orders are going to be passed without the permission of this Court. Statement of the learned counsel is placed on record."

Annexed hereto and marked as **Annexure R-2** is a copy of Order dated 14.1.2020 passed by this Hon'ble Court in the present petition. (Page 52 to 65)

11. It is submitted that now in most of the cases that were pending before the courts of the Additional Collector (Administration) Dehradun and the Additional Collector (Finance and Revenue) Dehradun, the hearings are complete and final orders stand reserved. However no final order has been passed by the State in these matters in compliance of the above statement made before this Hon'ble Court as recorded in the Order dated 14.1.2020.

12. That as already pointed out, the provisions of 166 and 167 of the UP ZA&LR Act, 1950 provide that a transfer exceeding 12.5 Acres/250 sq. mts. *without prior sanction of the Collector of the District / the State Govt. is void* from the date of transfer. As such any land transferred in favour of the Golden Forest Group of Companies without prior sanction already stands vested in the State Govt. from the date of such transfer and there is not much relevance of the time a formal final order is passed by the Additional Collectors. As such no prejudice is being caused should this Hon'ble Court permit the Additional Collectors to pass appropriate final orders in the proceedings which have been concluded and pass final orders which stand reserved in them.

13. That the Golden Forest Companies are amenable to law as any other ordinary citizen of this country and do not qualify for any extraordinary treatment. As such if the Golden Forest Companies and their Directors are found to have violated provisions of the ZALR Act, they need to be dealt with penalties in accordance with provisions of the said Act and the proceedings pending before the Collector are to be decided on their own individual merit wherein the Committee is already represented.

14. It is submitted that the State is safeguarding the interest of about 1 Crore 3 Lakhs common residents of the State and not for any private gain. As such balancing the interests of the number of persons who would benefit from use of the vested lands in case they are so declared surplus is overwhelmingly in favour of the residents of the State since the usage of to be so vested lands would be for rehabilitation of displaced persons due to construction of dams, location of industries as a means of furthering employment, housing of landless, location of State Offices, Residences and development of Village and Community services. It is thus in public interest that land in case it so comes to be vested in the State be utilized for common good of a crore of people of the State for which necessary orders be permitted to be passed at the earliest.

15. It is therefore in the interest of justice and in the facts and circumstances of the present case that the order dated 14.1.2020 be modified and the Adjudicating Authorities of the State be permitted to pass final orders in the vestment proceedings that are pending before them.

P R A Y E R

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:-

- (i) Modify order dated 14.1.2020 passed by this Hon'ble Court in the present petition and permit the Adjudicating Authorities of the State of Uttarakhand to pass final orders in the vestment proceedings pending before them;
- (ii) Pass any other such or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case;

Filed By:

(JATINDER KUMAR BHATIA)
Advocate on Record
for the State of Uttarakhand
B-10, Dhawandeep Apartments,
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Phone: 011-23741526

Filed on: __.12.2020

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. No. 131614 of 2023

IN

W.P. (C) No. 188 of 2004

In the Matter of :

M/S RAIGANJ CONSUMER FORUM Petitioner

Versus

UNION OF INDIA & ORS. Respondents

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New Delhi

Date:

Saumya Datta,
Advocate on record
Counsel for Committee – GFIL
(Appointed by Hon'ble Supreme Court of India)

IN THE SUPREME COURT OF INDIA
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SHORT REPLY BY THE COMMITTEE – GFIL
(APPOINTED BY HON'BLE SUPREME COURT)

MOST RESPECTFULLY SHEWETH:

1. The applicant has prayed for the following:
 - (i) Modify order dated 14.1.2020 passed by this Hon'ble Court in the present petition and permit the Adjudicating Authorities of the State of Uttarakhand to pass final orders in the vestment proceedings pending before them;
 - (ii) Pass any other such or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.
2. The applicant State has filed this application for modification of order dated 14.1.2020 passed in IA No. 145178 of 2019 in

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T.C.(C). 2 of 2004 filed by the Committee for direction with regard to the lands of Golden Forests Group companies in the State of Uttarakhand and which are alleged to be the subject matter of surplus lands under the provisions of UP Land Zamindari Abolition and Land Reforms Act, 1950.

The Hon'ble Court has, on a statement made by the counsel of the State of Uttarakhand, prohibited the Revenue Authorities at Dehradun to pass final order in the surplus land proceedings pertaining to Golden Forests group companies without taking prior permission from the Supreme Court.

3. It is submitted that the State of Uttarakhand has not come up with clean hands as it has put forward twisted facts e.g. in para 7 of the application it is alleged that the lands of Golden Forests Group companies have been vested in the State Government on the basis of orders dated 21.8.1997, 28.8.1997 and 2.6.2003 passed by the Collectors, Dehradun and therefore names of companies have been removed from the revenue records (Jamabandis) and the name of State has been entered in place of them.

Whereas the fact is that these orders have already been set aside by Revenue Board vide orders dated 21.10.2014 and 11.3.2019 but the State Government has not reverted the names of Golden Forests Group companies in the revenue records (Jamabandis) which is illegal. However, the State has

admitted this fact in Para 13 of its reply filed in IA 145178 of 2019 in T.C.(C). 2 of 2004. English translation of order dated 21.10.2014 passed by Revenue Board Uttarakhand is annexed as ANNEXURE R-1 (Pg 1 to Pg 20)

- 4. Moreover, even after the order of vestment were set aside, the ownership again vested with Golden Group Companies however the state government without any title kept on allotting the lands of Golden Forests Group companies to its own departments and gram sabhas without waiting for outcome of the cases pending before Revenue Authorities which is totally illegal.

The acts of illegal allotment by State Government further give rise to the doubt that the Revenue Authorities at Dehradun are ready to pass prejudiced order to justify their Act of allotment of land to their departments without any title and to fulfil the interest of State Government without giving weight to the merit of the case.

- 5. For the sake of justice and to safeguard the interest of lakhs of investors who are waiting for their hard-earned money for many years, the Hon'ble Supreme Court has rightly prohibited Revenue Authorities from passing final orders more particularly in the circumstances where the matter is sub judice before this Hon'ble Court in IA No. 145178 of 2019.

6. Since the State of Uttarakhand has illegally allotted the lands of Golden Forest Companies and is not reverting in the names of the companies in revenue records (jamabandis). It is submitted that the State Government may be directed to cancel all illegal lands allotment and restore the name of Golden Forests companies as there is no order of surplus or vestment in existence now.

7. The applicant State has in para 8 of the application stated that the Revenue Board has remanded the matters back to the Additional Collector, Dehradun to decide the cases afresh since earlier orders were passed without giving hearing opportunities to some of the Bhaumidhar, who claim that they did not sell the lands to Golden Forests Companies. It is also stated that while remanding the matters to Additional Collector the Revenue Board has also suggested to scrutinize each sale deed and identify seller and purchaser beyond doubt.

It is submitted that the jurisdiction of declaration of title is not within the preview of the Revenue Courts. They have only to see whether the purchaser has acquired the land in excess of the permissible limits under the UP ZA & LR Act.

The effect of the order passed by the Revenue Board is that the Additional Collectors at Dehadun are presently dealing with approximately 155 title matters filed either by individual parties or by State itself. The legitimate route for deciding title matters is

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Civil courts, but in the matters where lands of Golden Forests Group Companies are involved, the appropriate jurisdiction lies exclusively with the Committee – GFIL (Appointed by the Hon'ble Supreme Court) vide order dated 15.10.2008 passed in T.C.(C) No. 2 of 2004 which reads as under:

“The Committee is authorized to take possession of all the properties owned by the respondents .If there are any valid claims in respect of any of these properties by third parties, the Committee may consider the same and pass appropriate orders, subject to confirmation by this Court.”

Copy of order dated 15.10.2008 passed by this Hon'ble Court is annexed as **ANNEXURE R-2 (Pg 2) to Pg 26)**

Since, the Revenue Authorities at Dehradun are acting beyond jurisdiction therefore prohibition may continue till the title of Golden Forest companies is decided by this Hon'ble Court in IA No. 145178 of 2019 filed by the Committee.

8. The applicant state has in para 9 of the application falsely stated that the counsel of the Committee is appearing before the Additional Collector (Finance & Revenue), Dehradun in 12 matters. The correct facts are that the Committee was issued notices only in 7 main cases and had no knowledge of the rest of the cases till the filing of present application.

The Committee, after receiving copy of the present IA, brought this fact to the knowledge of the Additional Collector (F&R) and it was only after that the Committee was issued notices in 7 more cases which were filed by private parties or bhumidhars. It is only after that the Committee has engaged a lawyer and started contesting those remaining 7 cases. Therefore, the version that the counsel of the Committee has put appearance before filing of present IA is totally incorrect, false and misleading.

- 9. That the applicant State has relied upon an amendment which took place on 15.1.2004 as Uttaranchal (The U.P. ZA & LR Act 1950) (Adaptation & Modification order, 2001) (Amendment) Act 2003 by which Section 129-B and Sub Sections (3), (4) & (5) to section 154 were inserted. The effect of these insertions is that a Bhumidar has to take prior sanction of Collector of the District to transfer land to any person, society or company if the aggregate exceeds 12.5 Acres. A similar provision is also there in case of Bhumidar belongs to SC/ST category.

A careful perusal of these amendment shows that the section 154 (1) which deal with the restriction on transfer of land to a 'Person' is not affected, at all, by insertion of Section 154 (3), 154 (4) & 154 (5). To the contrary, these sections have made it clear that 'Person', 'Society', 'Trust' and 'Company' are different in the eye of the U.P. ZA & LR Act 1950. Therefore, it gives more weight to explanation of 'Person' being 'Natural Person' for the purpose of interpretation of definition of person under section 154 (1). A plain

reading of Section 154 (3), 154 (4) & 154 (5) indicates that these sub sections are not relevant to the present case as the same are for different purposes.

10. The applicant has not provided even a single valid reason for modification of order dated 14.1.2020, therefore IA may be rejected in view of the valid reasons given above.

New Delhi

Date:

Filed by

Saumya Datta,
Advocate on record
Counsel for Committee – GFIL
(Appointed by Hon'ble Supreme Court of India)

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W.P. (C) No. 188 of 2004

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AFFIDAVIT

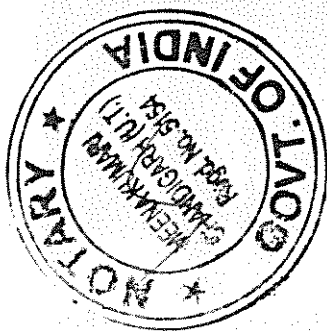
I, Shri Brij Mohan Bedi, S/o Shri Sadhu Ram Bedi, aged about 71 years, R/o H. No. 22, Sector-4, Panchkula, do hereby solemnly affirm and state as under:-

1. That I am one of the members of the Committee appointed by the Hon'ble Supreme Court. I am duly authorised and being fully competent and fully conversant with the facts and circumstances of the case, I am competent to swear this affidavit.
2. That I have read the contents of accompanying reply which has been prepared under my instructions.
3. That the contents of the accompanying reply are true and correct to the best of my knowledge and are derived from record of the case. Annexure are true copy of its original.

[Signature]

DEPONENT

29 SEP 2022



VERIFICATION:-

I, the deponent above named, do hereby verify and state that the contents of paragraph 1 to 10 of the affidavit are true to my knowledge based on records of the case, no part of it is false and nothing material has been concealed there from.

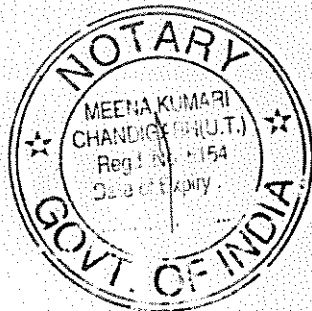
Verified by me at on this the 29 day of September, 2022.

[Signature]
DEPONENT

Certified that the Affidavit/SPA/GPA has been read over & explained to the Deponent/ Executant who seems perfectly to understand the same at the time of making thereof

Identity the deponent who has Signed/thumb marked in my presence

[Signature]
Signature



ATTESTED AS IDENTIFIED

[Signature]
MEENA KUMARI
NOTARY CHANDIGARH

29 SEP 2022

The contents of this Affidavit / Document has been explained to the deponent / executants He / she has admitted the same to the correct The deponent / executant has signed Register

302 dt 29/9/2022

NOTARY

(COPY OF ORDER DATED 21.10.2014)

COURT OF REVENUE COUNCIL, DEHRADUN

1. Serial No.10/2010-11 Golden Forest Company Private Limited V/s State Government
2. Serial No.11/2010-11 Golden Forest Company Private Limited versus State Government
3. Serial No.12/2010-11 Golden Forest Company Private Limited versus State Government
4. Serial No.13/2010-11 Golden Forest Company Private Limited versus State Government
5. Serial No.14/2010-11 Golden Forest Company Private Limited versus State Government
6. Serial No.15/2010-11 Golden Forest Company Private Limited versus State Government
7. Surveillance No.16/2010-11 Golden Forest Company Private Limited versus State Government

Present: Shri Subhash Kumar, I.A.S., Chairman

ORDER

All the revisions have filed against the order dated 21.08.97 passed by Assistant Collector 1st Grade/ Parganadhikari, Dehradun in cases no. 37,39,36,35,40,30

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and 33 of the year 1996-97 titled as State Versus Golden Forest India Ltd. filed U/S 166/167 Agriculture Disaster and Land Management Act.

The detail facts of the case are that the Tehsildar Dehradun sent his report that R.K. Siyal and his family members who are concerned with Golden Forest India Ltd. have violated sections 154(1) of the Agriculture Disaster and Land Management Act by purchasing the enough land on the basis of sale deeds executed by many Khata holders. R.K. Siyal and his family members have purchased more than 12.50 acre land and violated sections 154(1) of the Agriculture Disaster and Land Management Act. Therefore action may be taken to forfeit the land in the name of State U/S 166/167 of the Agriculture Disaster and Land Management Act. On the basis of report of Tehsildar, the order dated 21.08.1997 passed by Assistant Collector 1st Grade/ Parganadhikari, Dehradun in cases no.37, 39, 36, 35, 40, 30 and 33 of the year 1996-1997 titled as State Versus Golden Forest India Ltd. filed U/S 166/167 Agriculture Disaster and Land Management Act and the land of different villages has been forfeited vide order dated 21.08.1997 U/S 166/167 Agriculture Disaster and Land Management Act. Golden Forest India Ltd. has filed 7 Revision Petitions against the impugned order before the

Ld. Revenue Counsel, Uttar Pradesh, Allahabad. The Revenue Counsel, Uttar Pradesh, Allahabad vide its order dated 24.11.2000 had accepted all the Revision Petitions bearing No.51 to 57 of the year 1996-97 which were filed by Golden Forest India Ltd. through R.K. Sayal and the order dated 21.08.1997 passed by Assistant Collector 1st Grade/ Parganadhikari, Dehradun was set aside. The State Government filed Writ Petition No.81 M/S of 2000 against the order dated 24.11.2000 passed by the revenue Counsel Uttar Pradesh before the Uttrakhand High Court at Nainital and the same was dismissed by the Uttrakhand High Court at Nainital vide its order dated 21.12.2005. The State Government approached the Hon'ble Supreme Court through Civil Appeal No. 3195 of 2011 and SLP (C) No.16476 titled as State of Uttranchal Versus Golden Forest India Company Pvt. Ltd. against the order 21.12.2005 passed by Uttrakhand High Court at Nainital. The Hon'ble Supreme Court admitted the appeal 3195 of 2012 in case titled as State of Uttranchal Versus Golden Forest India Company Pvt. Ltd. vide order dated 11.04.2011 and set aside the order passed by the High Court of Nainital and Revenue Counsel of Uttar Pradesh and thus this case has listed before this Ld. Court for fresh decision. As per the

order passed by High Court, the Revisions decided by Revenue Counsel UP has been received in this office.

In the above said revision petitions Golden Forest India Ltd. presented an application to plead them as party which was dismissed by this Ld. Court vide order dated 04.07.2012. Golden Forest India Ltd. approached High Court through Civil Appeal against that order and the Hon'ble high vide order dated 10.03.2014 passed order to provide opportunity of hearing to the Golden Forest India Ltd. Incompliance of the order dated 10.03.2014 passed by the Hon'ble High Court, date of hearing was fixed for 17.07.2014 but after that date till today no representative on behalf of Golden Forest India Ltd. has come present in pursuance of the case.

In the above said revisions pleadings have been heard from the counsel for the revisionists and special counsel appointed by the state govt. and the case files of the dispute have been perused.

From the side of revisionist, Sh. Arun Sexena has pleaded that the above said revisions have been filed against the order dated 21.08.97 passed by A.C. First Dehradun. The Ld. Lower Court has taken action on the report of Tehsildar. No sale purchase deed has been

attached on the report of Tehsildar from which it may be ascertain that the action U/S 166/167 of the Agri. Disaster Act has been taken. On the letters of the Ld. Lower Court it has not been mentioned that any Notice or Information has been given to the Khata Holders. Only on the basis of report of Tehsildar, the land has been forfeited with the State Government, which is against the Principle of Natural Justice. There is also nothing on the record from which it may be ascertain that adequate opportunity of hearing has been given to the Khata holder before forfeiting the land section 154/1 of A.D.L.M Act is implemented on the natural person nor on unnatural person or lawful company. From the perusal of the A.C. First it is clear that no notice has been issued to the cultivators. The counsel for the petitioners referred 2013(1) C.A.R 77 HC, WP No. 2046/MS of 2001 of HC Nainital and RD 2001 (92) page-99 (Hindi).

Another counsel D.R. Tiwari has pleaded on behalf of the petitioner that the report dated 12.08.97 of Tehsildar which is sent to A.C. First is just and no compliance of section 148 has been made. In the order dated 21.08.97 passed by A.C. First Dehradun, it is mentioned that the action which has been taken against the cultivators is based on verbal orders. No notice to the cultivators has been given nor has any opportunity of

hearing been provided. Gram Sabha has also not pleaded as party, which was mandatory to plead as party. The Ld. Counsel to prove his case referred 2001(92) RD99(H).Revenue Counsel U.P 2005 (Sampli) R.D. 512 2007(103) R.D. 206 Allahabad High Court 1998(89) R.D. (H) 32 Revenue Counsel UP 1996 (87) R.D. 240 Allahabad High Court and R.D. 1990 Page 267 High Court Allahabad have been presented.

L.D. Thaplial learned counsel on behalf of state has pleaded that the Khata holders/cultivators have violated section 154 and the Golden Forest Company has sold land measuring 12.5 acres, therefore Assistant Collector 1st Grade/ Parganadhikari Dehradun has forfeited the land under section 166/167 of the Agricultural Disaster and Land Management Act by virtue of order dated 21.08.97. The revision has been filed only on the ground that no notice has been issued. The revisionist have also not mentioned as to how they came to know about the passing of the order by the learned lower court. Because Golden Forest India Limited has sold 12.50 acre land therefore the land has been forfeited the land under section 166/167 of the Agricultural Disaster and Land Management Act. The revisionists did not approach the learned court afresh and the orders which have been challenged are the

administrative orders and the revision is not maintainable. When the land is sold more than 12.50 acres by any cultivator or occupant it violates section 154 of the Agri. Disaster and Land Management Act and the competent authority upon coming to know about this can immediate forfeit this land to the state government. The order passed is an administrative order and it cannot be challenged in the learned court. The revision has been filed only by the Golden Forest India Limited and not by any cultivator/Khata holder. From which it is clear that the original Khata holders have sold this land. To prove his pleadings the learned court has presented R.D. 1979 page 121, R.D. 2010(109) page 696, S.C. R.D. 1979 Page 80 of S.C., R.D.; 2001(92) page 25 (H) Revenue Counsel U.P R.D. 1999 (90) page 40 Revenue Council U.P R.D. 2002(94) page 115, Revenue Council U.P and R.D. 2005(98) page 158 of S.C.

I have perused all the letters of Assistant Collector 1st Grade/ Parganadhikari Dehradun. The action on all the application have been initiated on the report dated 12.08.1997 of the Tehsildar Dehradun that R.K. Sayal being Manager of the different companies has purchased the land which comes to more than 12.50 acre and being higher than the limits determined in the Section 154(1) of

the Agricultural Disaster and Land Management Act and thus is the violation of the Section 154(1) of the Agricultural Disaster and Land Management Act and is liable to be vested to the state government under section 166/167 of the Agricultural Disaster and Land Management Act. From the perusal of all the letters of Assistant Collector 1st Grade/ Parganadhikari Dehradun, it has been cleared that before passing the impugned order by the Assistant Collector, no appropriate notice or information was given to the Khata holder/cultivators. And consequently, the Khata holder/cultivations did not get any opportunity of hearing. Further, nor is sale or purchase deed present with the applications from which it may be ascertained that by which deed the land has been sold in favour of the Golden Forest Company. In Para no.2 of the direction dated 21.08.97 given by the Assistant Collector 1st Grade/ Parganadhikari Dehradun, it is clear that the land in question has been continued in the name of the Khata holders/ cultivators. Further from the perusal of order dated 21.08.97 passed by the learned court, it is clear that all the action has been taken on the verbal orders of the District Officer. Before forfeiting the land with the state government under section 166/167 of the Agricultural Disaster and Land Management Act, no opportunity has been provided the Khata holders/cultivators

nor has any notice or information been given to them. Tehsildar Dehradun has sent his report to Assistant Collector on dated 12.08.97. Assistant Collector 1st Grade/ Parganadhikari Dehradun vide its order dated 12.08.97 forfeited all the land with the state government. No opportunity has been given to the Khata Holder/ cultivators by not adopting the proper procedure and land has been forfeited to the state government.

In the interest of justice, it was required to provide adequate opportunity of hearing to the khata holders/cultivator before forfeiting their land but it has not been complied. In different provisions, it is appropriate to provide adequate opportunity of hearing to the khata holders/cultivators before forfeiting their lands and notice or information should be given to them.

In view of the above said circumstances, I have reached at a conclusion that the order dated 21.08.97 passed by the learned lower court is discrepant and it will be in the interest of justice to provide opportunity to the khata holders/ cultivators to stake their claim.

Besides this, the present learned court has lastly wrote on dated 28.08.2014 to the Assistant Collector 1st Grade/ Parganadhikari Dehradun through letter no.

36/96/97 to avail the record pertaining under section 166/167 of the Agricultural Disaster and Land Management Act titled as State Versus Golden Forest India Limited, Mauja Danda, Laukhanda, Pargana Parva/Pachhwadon before this learned court but the record has not been sent. Therefore Assistant Collector 1st Grade/ Parganadhikari Dehradun may find the application and to dispose of the same in accordance with law.

The committee- Golden Forest India Limited constituted by the Hon'ble Supreme Court has not put their claim before this learned court. They will have the right to put their claim before the Assistant Collector 1st Grade/ Parganadhikari Dehradun. Assistant Collector 1st Grade/ Parganadhikari Dehradun has been directed to hear the Golden Forest Indian Limited after making them party in the case.

The revision is hereby accepted and the order dated 21.08.97 passed by Assistant Collector 1st Grade/ Parganadhikari Dehradun is hereby set aside. Further the registry office is directed to service notice to the cultivators or khata holders keeping in view the direction given above and to provide them adequate opportunity of hearing and to decide the case on merits. A copy of this order may also be

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enclosed with six other revisions from Serial No.11 to 16
year/2010-2011 titled as Golden Forest Company versus
State

Dated: 21.10.2014

SD/- Subhash Kumar President Revenue Council.

CERTIFIED TO BE TRUE TRANSLATED COPY

ADVOCATE

ITEM NO.2

COURT NO.1

ANNEXURE - R-2

SECTION XVIA

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SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

I.A.Nos.60-83,85-90 & I.A.No.91-92 & 93 in T.C.(C) No.2/2004

THE SECURITIES & EXCHANGE BD. OF INDIAPetitioner(s)

VERSUS

THE GOLDEN FORESTS (I) LTD.Respondent(s)

(For quashing order dated 2.5.2007 passed by the Chairman, Committee-Golden Forest (India) Ltd. and ad-interim ex-parte stay and for seeking urgent directions and impleadment and directions and permission to file additional documents and impleadment/ direction/ objection and intervention and impleadment/direction/ stay, and application to file rejoinder affidavit and directions and office report) with I.A. Nos.27, 29-38 in T.C.(C) No.68/2003 (For confirmation of sale and for quashing/ setting aside of order passed by the Chairman Committee and stay and intervention and directions and impleadment and merger of 110 companies with GIFL and for permission to file additional documents and office report) with Contempt Petition (Civil) No.74/2007 in T.C.(C) No.2/2004 With T.C.(C) No.1/2004 (With appln. for early hearing and directions and office report)With W.P.(C) No.188/2004 (With appln. for directions and office report)

Date: 15/10/2008 These Petitions were called on for hearing today.

CORAM :

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HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE P. SATHASIVAM

HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s)

Mr. Bhargava V. Desai, Adv.

Mr. Rahul Gupta, Adv.

Ms. Reema Sharma, Adv.

Mr. Ajay Majithia, Adv.

Mr. Rajesh Kumar, Adv.

Dr. Kailash Chand, Adv.

For the Committee

Ms. Suruchii Aggarwal, Adv.

Mr. Prashant Chauhan, Adv.

Mr. Arvind Gopal, Adv.

WP(C) 188/04

Mr. Ranjan Mukherjee, Adv.

For Applicant(s)

Mr. K.N. Krishnamani, Sr. Adv.

Mr. Shagir Khan, Adv.

TC(C) 1/04

Mr. Somnath Mukherjee, Adv.

Mr. S. Ravishankar, Adv.

Mr. Vivek Shukla, Adv.

For Respondent(s)

Mr. Anil Kumar Sharma, Adv.

Mr. Shailendra Bhardwaj, Adv.

Mr. S.B. Sanyal, Sr. Adv.

Mr. Anand Prakash, Adv.

Mr. T.D. Kashar, Adv.

For Ms. S. Usha Reddy, Adv.

Mr. S.K. Nandy, Adv.

Mr. Y.P. Dhingra, Adv.

Ms. Kusum Chaudhary, Adv.

Mr. Subodh Markandeya, Sr. Adv.

Mr. Alok Gupta, Adv.

Ms. Shalu Sharma, Adv.

Mr. Manoj Swarup, Adv.

Mr. P.S. Patwalia, Sr. Adv.

Mr. Anandeshwar Gautam, Adv.

Mr. Joseph Pookkatt, Adv.

Mr. Prashant Kumar, Adv.

For M/s AP & J Chambers

Mr. D.N. Goburdhan, Adv.

Mr. Arun Kumar Sinha, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Ajay Majithia, Adv.

Mr. Rajesh Kumar, Adv.

Dr. Kailash Chand, Adv.

Mr. S. Ravi Shankar, Adv.

Mr. G.L. Rawal, Sr. Adv.

Mr. Ashwani Kumar, Adv.

Mr. Kuljeet Rawal, Adv.

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Mr. Subramonium Prasad, Adv.

Ms. Sunita Sharma, Adv.

Mr. Rana Ranjit Singh, Adv.

Mr. Somvir Singh Daswal, Adv.

Mr. Shreepal Singh, Adv.

Mr. S.K. Sabharwal, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

Ms. S. Usha Reddy, Adv.

Ms. Naresh Bakshi, Adv.

Mrs. Varuna Bhandari Gugnani, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mr. S.N. Pandey, Adv.

Mr. C.S. Ashri, Adv.

Ms. Shalu Sharma, Adv.

Mr. N.R. Choudhury, Adv.

Mr. Tara Chandra Sharma, Adv.

Ms. Neelam Sharma, Adv.

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UPON hearing counsel the Court made the following

ORDER

Dr. Namavati has filed the list of immovable properties owned and possessed by the Golden Forests (I) Ltd and its group of companies. These properties were allegedly purchased by

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Golden Forest (I) Ltd. and other group of companies. It is said that the title deeds vest with these respondents.

It is stated that huge amounts were invested in these companies. A Committee had been appointed by this Court on 19.8.2004, consisting of a retired Chief Justice of the Delhi High Court and two District Judges. The said Committee had taken possession of substantial properties owned by the respondents.

In order to facilitate the disbursement due to the investors, the money has to be collected by selling these properties. The Committee is authorized to take possession of all the properties owned by the respondents. If there are any valid claims in respect of any of these properties by third parties, the Committee may consider the same and pass appropriate orders, subject to confirmation by this Court.

As regards the sale of properties is concerned, the Committee may make appropriate publication regarding the sale and sufficient notices be issued to the prospective purchasers by publishing the same in the local newspapers having wide circulation in the area where the property is situated. Any sale conducted by the Committee shall be based on valuation made by either by the Committee or by other approved valuer and upset price is fixed before sale is finalized. The sale is, however, subject

to the confirmation by this Court. As soon as the sale is over, the details including the purchase price and all the details shall be made over to this Court for the purpose of confirmation.

As soon as the bid is over the applicant/the prospective purchaser shall deposit 20% of the amount in a nationalized bank in the account maintained by the Committee. If there is any difficulty in getting the possession of any property owned by the respondents, the matter shall be reported to this Court and/or the Committee can also itself request for police aid or any other assistance from the governmental authorities. On all the pending applications, the Committee shall pass appropriate orders subject to confirmation by this Court.

As regards the pending claim of the petitioners/applicants the committee may pass appropriate orders and a gist of these orders be made available to this Court for further orders.

List in the month of March, 2009.

(R.K.Dhawan)
Court Master

Veera Verma)
Court Master