

0/L

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IA No. ¹⁴⁵¹⁷⁸ of 2019

in

Writ Petition (civil) No. 188 of 2004

In the Matter of :

M/S RAIGANJ CONSUMER FORUM

.... Petitioner

Versus

UNION OF INDIA & ORS.

.... Respondents

I N D E X

S. No.	Particulars	Page(s)
1.	Application for direction regarding surplus land in Uttarakhand	1-9
2	Affidavit in Support	10
3.	Annexure A-1 Order dated 21.08.1997 passed by SDM (Sadar) Dehradun	11
4.	Annexure A-2 Order dated 11.04.2011 passed by Hon'ble Supreme Court	12-16
5.	Annexure A-3 Order dated 23.11.2011 passed by Chief Revenue Commissioner, Uttarakhand	17-20
6.	Annexure A-4 Order dated 04.07.2012 passed by Chief Revenue Commissioner, Uttarakhand	21-23
7.	Annexure A-5 Order dated 10.03.2014 passed by Hon'ble Supreme Court.	24-27
8.	Annexure A-6 Order dated 18.09.2012 passed by Hon'ble Supreme Court.	28-31
9.	Annexure A-7 Affidavit filed by State of Uttarakhand	32-45

Filed on:

Filed by:

(SURUCHII AGGARWAL)
Advocate for the Applicant-Committee

1

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IA No. ¹⁴⁵¹⁷⁸ of 2019

in

Writ Petition (civil) No. 188 of 2004

In the Matter of :

M/S RAIGANJ CONSUMER FORUM

.... Petitioner

Versus

UNION OF INDIA & ORS.

.... Respondents

APPLICATION FOR DIRECTION REGARDING
SURPLUS LANDS IN UTTARAKHAND.

To

The Hon'ble Chief Justice

and his companion Judges

RESPECTFULLY SHOWETH

1. The flagship company M/s Golden Forests (India) Limited (GFIL) was incorporated in the year 1987 and from time to time, the flagship company GFIL floated number of other companies which are called 'Golden Group of Companies'. The GFIL and later its associate company M/s Golden Projects Limited collected hundreds of crores of rupees from general public through lucrative investment schemes.
2. Since the year 1991, GFIL acquired thousands of acres of land throughout Punjab, Haryana, Uttarakhand, Himachal Pradesh, Madhya Pradesh, Andhra Pradesh etc. and extensive construction was carried out on the acquired lands. About 1186.10 acres land was acquired in the state of Uttarakhand.

3. On 21.08.1997, Assistant Collector 1st Class-cum-Sub Divisional Magistrate, Dehradun, acting on the verbal instructions received from District Magistrate, Dehradun, (as mentioned in the order itself) passed an order under Sections 166/167 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, and declared the land, purchased by the Company to be in violation of Section 154, as surplus and further directed that the land in excess of ceiling is vested in the Government. Copy of the order dated 21.08.1997 is annexed as **ANNEXURE A-1** (Pg.).
4. The above order of the Assistant Collector dated 21.8.1997 was passed without affording opportunity of hearing to the Company. The company Golden Forests (India) Limited filed revision petitions R.O.R. Nos. 51 to 57 of 1996-97 against these orders before the Board of Revenue, UP at Allahabad.
5. On 24.11.2000, the Board of Revenue, UP at Allahabad quashed the order dated 21.08.1997 passed by the Assistant Collector 1st Class-cum-Sub Divisional Magistrate, Dehradun and allowed the revision petitions R.O.R. Nos. 51 to 57 of 1996-97 mainly for the reason that the report submitted by the Tehsildar was not supported by any evidence and actions taken on the basis of such report are liable to be rejected.
6. The Revenue Board, Allahabad also observed that in terms of Section 154(1) of the Act each major person or company is entitled to purchase 12.5 acres land and the purchases made in the names of different companies cannot be clubbed for deciding the issue relating to violation of that section.

7. The State of Uttranchal (now Uttarakhand) challenged the order passed by the Revenue Board, State of UP before the High Court of Uttranchal at Nainital by filing several writ petitions being Writ Petition No. 81 (M/S) of 2000 and Writ Petition Nos. 2046 (M/S) -2049(M/S) and 2051(M/S) - 2053(M/S) of 2001 on several grounds including the one that after coming into force of the Re-organisation Act, the Board of Revenue, U.P. did not have the jurisdiction to deal with and decide the revisions filed by the Company.
8. The Uttranchal High Court at Nainital dismissed the writ petitions filed by the State of Uttarakhand vide order dated 21.12.2005 by observing that the conclusion recorded by the Board of Revenue, U.P. on the legality of the disputed matter was correct.
9. Against the decision of the Uttranchal High Court dated 21.12.2005, several SLPs were filed before this Hon'ble Court, including the Special Leave Petition (C) No. 11741 of 2006, wherein the only question to be decided was whether the disputes pertaining to surplus land of the Company situated in the State of Uttarakhand could be heard and decided by the Revenue Board, State of UP after the reconstitution of the State of UP.
10. This Hon'ble Court passed final judgment and order dated 11.4.2011 in Special Leave Petition (C) no 11741 of 2006 and connected petitions, directing inter alia as follows:

"11. The impugned order as also the order passed by the Board of Revenue, U.P. are set aside and it is declared that the revisions filed by the respondents stood transferred to the Board of Revenue, State of Uttranchal. The Board of Revenue, U.P. is directed to transmit the record of the revision petitions to the Board of Revenue of the State of Uttrakhand which shall decide the revision petitions afresh. If there is no Board of Revenue in the State of Uttrakhand then the record shall be transferred to the corresponding adjudicating authority. The respondents shall furnish the list of allottees of plots along with their latest addresses to the Board of Revenue, Uttrakhand or any other competent adjudicating authority within a period of four weeks from today. Thereafter, the allottees be impleaded as parties to the pending revisions and appropriate order be passed in accordance with law after hearing all the parties."

The Committee was not a party in these proceedings. Copy of order dated 11.4.2011 in Special Leave Petition (C) no 11741 of 2006 and connected petitions is annexed as **ANNEXURE A-2**.
(Pg. to Pg.)

11. Accordingly, the revision petitions against the orders dated 21.08.1997 passed by the Assistant Collector 1st Class-cum-Sub Divisional Magistrate, Dehradun being R.O.R. Nos. 51 to 57 of 1996-97 were remanded to the Chief Revenue

Commissioner (now Chairman, Revenue Board), Uttarakhand at Dehradun and re-numbered as R.O.R.Nos.10 to 16 of 2011.

12. The fact of the pendency of the revision proceedings before the Chief Revenue Commissioner, Uttarakhand at Dehradun, came to the knowledge of the Committee at this stage. The counsel of the Committee appeared before Chief Revenue Commissioner and apprised him that the Company Golden Forests (India) Limited had closed its business in December, 2000 and the Hon'ble Supreme Court of India has constituted this Committee, so only this Committee is entitled to represent the Company before Chief Revenue Commissioner, Uttarakhand in the said Revision Petitions. The Chief Revenue Commissioner however rejected the verbal submission made by the counsel for the Committee vide order dated 23.11.2011. Copy of the order is **ANNEXURE A-3.** (Pg. to Pg)
13. In the meantime, the State of Uttarakhand, replaced Chief Revenue Commissioner, with the Revenue Board, Uttarakhand. The impleadment applications filed by the Committee were also rejected by the Revenue Board, Uttarakhand on 04.07.2012. Copy of the order dated 4.7.2012 is annexed as **ANNEXURE A-4.** (Pg. to Pg)
14. The Committee filed an IA No. 3 in Civil Appeal No. 3195 of 2011 (converted from Special Leave Petition (C) no 11741 of 2006) for modification in the order dated 11.04.2011 to the extent that the Committee be allowed to represent the company before Revenue Board, Uttarakhand. The IA was allowed by this Hon'ble Court on 10.03.2014. That is how the

Committee was able to represent the company with the support of court orders. Copy of the order dated 10.03.2014 is annexed as ANNEXURE A-5. (Pg. to Pg)

15. The Revenue Board, Uttarakhand transferred these matters to the District Magistrate, Dehradun who further transferred the matters to ADM (F&R) and ADM(D) Dehradun. These matters are pending till date.
16. The Committee has filed an application before the ADM(F&R) for setting aside the notice issued to the company through the Committee and the entire proceedings u/s 166/167 of the UP Zamindari Abolition and Land Reform Act for the reason that the notice is defective as it has been issued to the artificial person and the Act only covers natural person for the purpose of section 154(1). The application is pending before ADM(F&R) till date.
17. The contention of the Committee is supported by the judgement dated 18.09.2012 passed by this Hon'ble Court in the matter of Civil Appeal No. 6621 of 2012 (arising out of SLP (Civil) No. 19661 of 2009) which reads as under:
 - "9. The question before us is - Whether a charitable Trust is covered by the expression 'any person occurring in Section 154(1) of the 1950 Act?
 10. It may be immediately noticed that the expression Used in Section 154(1) is "....to any person where the transferee shall, as a result of such sale or gift, become entitled to land which together with land, if any, held by

his family will in the aggregate, exceed 5.0586 hectares (12.50 acres) in Uttar Pradesh." (emphasis supplied) A close look at the above expression would show that the Legislature intended to cover only natural person. It is so because the words 'any person' are followed in the sentence by the words 'his family'. 'Family' is explained in the explanation appended to Section 154 which means the transferee, his or her wife or husband, as the case may be, and minor children and where transferee is a minor, his or her parents. This makes it clear that a legal person is not intended to be included in the expression 'any person'. The word 'person', in law, may include both a natural person and a legal person. Sometimes it is restricted to the former. Having regard to the text of Section 154(1) and also the scheme of that provision, there remains no doubt that the expression 'any person' refers to a natural person and not an artificial person. This is fortified by the fact that in 1997 the Legislature inserted Explanation by U.P. Act No. 20 of 1997 declaring that in sub-section (1) the expression 'person' shall include and be deemed to have been included on June 15, 1976 a 'Co-operative Society'. Had the expression 'person' included artificial person, no explanation was necessary. Since the expression 'person' in Section 154 did not include legal or artificial person, the Legislature brought in Co-operative Society by way of an Explanation. The Explanation came to be added in 1997 in a declaratory form to retrospectively

bring 'Co-operative Society' within the meaning of expression 'any person'.

11. Accordingly, we hold, as it must be held, that a 'charitable institution' is not included within the meaning of the expression 'any person' occurring in Section 154 of the 1950 Act and, therefore, the Assistant Collector was not justified in issuing notice to the respondent under Sections 166 and 167 of the 1950 Act."

Copy of the order dated 18.09.2012 is annexed as **ANNEXURE A-6.** (Pg. to Pg)

18. The Uttarakhand State Government has filed an affidavit in compliance with the order passed in the IA No. 36379 filed by the Committee and disclosed, in para 5, that it has allotted 13.1395 Hectare (32.47 Acres) of land to the Government Agencies during the pendency of cases before the courts. The act of the State Government in allotting lands of Golden Forests (India) Limited and its associate/subsidiary companies to different Government Department/Agencies is wholly illegal and require immediate attention of the Hon'ble Court, so that interest of lacs of investors, who have invested their hard earned money with the company be safeguarded.
19. Another important fact which has emerged out of the affidavit filed by the Secretary, Uttarakhand is that the value of the agricultural land admeasuring 479.9996 hectares (1186.10 acres), which has been declared surplus, has been shown to be Rs. 732 crores approximately if calculated as agricultural

land. However the affidavit has also calculated its value, if assessed as non-agricultural land, at Rs. 2766 crores (approximately). The Secretary Revenue has not disclosed the basis for assessing the lands of the company to be non-agricultural and further evaluating its cost on that basis. Copy of the Affidavit filed by the Revenue Secretary, Uttarakhand is annexed as **ANNEXURE A-7**. (Pg. to Pg)

20. Therefore, keeping in view the high value of the lands in Uttarakhand it is prayed that:

- a) this Hon'ble Court may please adjudicate upon the surplus land matters and
- b) quash the order dated 21.8.1997 passed by SDM Sadar Dehradun being illegal and unjust, and
- c) quash the notices issued to the company being illegal under U.P.ZA & LR Act and as clarified by the Hon'ble Supreme Court vide its order dated 18.09.2012 passed in the matter of Civil Appeal No. 6621 of 2012 (arising out of SLP (Civil) No. 19661 of 2009)
- d) Pass any other order which deemed fit and proper

Filed on:

Filed by:

(SURUCHII AGGARWAL)
Advocate for the Committee-GFIL

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IA No. of 2019

in

Writ Petition (civil) No. 188 of 2004

In the Matter of :

M/S RAIGANJ CONSUMER FORUM

.... Petitioner

Versus

UNION OF INDIA & ORS.

.... Respondents

AFFIDAVIT

I, Shri Brij Mohan Bedi, S/o Shri Sadhu Ram Bedi, aged about 69 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 application which has been prepared under my instructions.
3. That the contents of the accompanying application 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.

hump
DEPONENT

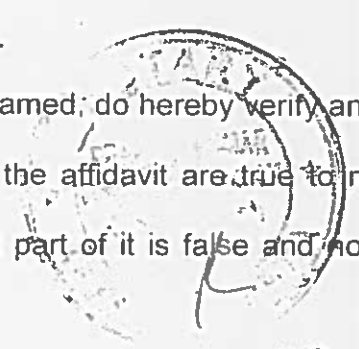
VERIFICATION:-

I, the deponent above named, do hereby verify and state that the contents of paragraph 1 to 3 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 17th day of September, 2019.

hump
DEPONENT

21 St. No. 5-46, 370
17/9/2019
THE CONTENTS 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.



ANNEXURE - A - 1

11

Date: - 21.8.1997

ORDER

File presented.

Rajiv Dutta has, in violation of Section 154 of U.P. ZA and LR Act, purchased lands in the name of the company M/s Golden Forest (India) Limited. District Magistrate has orally ordered that the matter is very serious in nature and allegation is prime facie effective. Therefore it would be appropriate to vest lands in the state. Order passed which is enclosed with file.

SDM (Sadar)
Dehradun

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.3195_____OF 2011

(Arising out of SLP (C) NO. 11741 OF 2006)

STATE OF UTTARANCHAL

-----APPELLANT

VERSUS

M/S GOLDEN FOREST CO. (P) LTD.

----RESPONDENTS

WITH SLP © NOS. 16476, 16477, 16478, 16481, 16482, 16483 and
16484 OF 2006

JUDGMENT

G.S. Singhvi, J.

1. Leave granted.
2. The only question which arises for consideration in these appeals is whether the Board of Revenue, U.P. could hear and decide the revisions filed by the appellant after creation of the State of Uttranchal (renamed as Uttrakhand) by the Uttar Pradesh Reorganization Act, 2000 (for short "the Reorganization Act").
3. One Sanjay Ghai had purchased bhumidhari land from various tenure holders in the name of Golden Forest India Limited and its sister concerns, namely, Indian Peace Foundation Trust, Mani Majra, Chandigarh, Golden Forest India Limited, Golden Agro Forest Limited and Golden Forest Distributors Limited. Tehsildar, Dehradun, submitted report dated 12.08.1997 to Assistant Collector 1st Class-cum-Sub Divisional Magistrate (for short "the Assistant Collector") with the finding that the purchases made in the name of the respondents were violative of the restriction contained in Section 154 (1) of the Uttar Pradesh Zamindari Abolition and Land Reforms

Act, 1950 (for short "the Act"). He suggested that action may be initiated against them under Sections 166/167 of the Act and land in excess of the ceiling may be declared to have vested in the State Government. The Assistant Collector issued notice to the respondents, gave them opportunity of hearing and passed order dated 21.08.1997 whereby he held that the disputed transactions were ultra vires the provisions contained in Section 154(1) of the Act and forwarded the matter to Collector, Dehradun for taking action under Section 167(2) of the Act.

4. The respondents challenged the aforesaid order by filing revisions, which were allowed by the Board of Revenue, U.P. vide order dated 24.11.2000 by observing that in terms of Section 154(1) of the Act each major person or company is entitled to purchase 12.5 acres land and the purchases made in the names of different companies cannot be clubbed for deciding the issue relating to violation of that section.
5. The State of Uttar Pradesh challenged the order of the Board of Revenue in Writ Petition No. 81 (M/S) of 2000. The State of Uttranchal also challenged that order in Writ Petition Nos. 2046 (M/S) -2049(M/S) and 2051(M/S) - 2053(M/S) of 2001 on several grounds including the one that after coming into force of the Reorganization Act, the Board of Revenue, U.P. did not have the jurisdiction to deal with and decide the revisions filed by the respondents.
6. The Learned Single Judge did not deal with the issue of jurisdiction and dismissed the writ petitions by observing that the conclusion recorded by the Board of Revenue, U.P. on the legality of the disputed transaction was correct.
7. Shri Mukul Rohtagi, learned senior counsel appearing for the appellant argued that in view of Section 91 of the Reorganization Act, the proceedings pending before the Board of Revenue, U.P. stood transferred to the newly created State of Uttranchal and, as such, it

did not have the jurisdiction to decide the revisions filed by the respondents. Learned senior counsel pointed out that the Reorganization Act had come into force w.e.f. 09.11.2000 and, therefore, the Board of Revenue, U.P. could not have decided the revisions on 24.11.2000.

8. Shri Vijay Hansaria, learned senior counsel appearing for the respondents argued that the appellant cannot question the orders passed by the Board of Revenue, U.P. on the ground of lack of jurisdiction because no such objection was raised at the hearing of the revision petitions. Learned senior counsel further argued that this Court may not interfere with the impugned order because the land purchased in the names of the respondents had already been divided into plots and allotted to various persons, who are not parties in these cases.

9. We have considered the respective submissions. Section 91 of the Reorganization Act reads thus:

"91. Transfer of pending proceedings.—(1) Every proceeding pending immediately before the appointed day before a court (other than High Court), tribunal, authority or officer in any area which on that day falls within the State of Uttar Pradesh shall, if it is a proceeding relating exclusively to the territory, which as from that day are the territories of Uttaranchal State, stand transferred to the corresponding court, tribunal, authority or officer of that State.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1) it shall be referred to the High Court at Allahabad and the decision of that High Court shall be final.

(3) In this section—

(a) "proceeding" includes any suit, case or appeal; and

(b) "corresponding court, tribunal, authority or officer" in the

State of Uttaranchal means— (i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have laid if it had been instituted after the appointed day; or (ii) in case of doubt, such court, tribunal, authority, or officer in that State, as may be determined after the appointed day by the Government of that State or the Central Government, as the case may be, or before the appointed day by the Government of the existing State of Uttar Pradesh to be the corresponding court, tribunal, authority or officer."

10. A reading of the plain language of the above reproduced provision makes it clear that every proceeding pending before a Court, Tribunal, Authority or Officer in any area which fell within the State of U.P. on 09.11.2000 stood automatically transferred to the corresponding Court, Tribunal, Authority or Officer of the State of Uttranchal (now Uttrakhand). Therefore, the revisions which were pending before the Board of Revenue, U.P. on 9.11.2000 stood transferred to the State of Uttranchal and, as such, the same could not have been decided by the Board of Revenue, U.P. Unfortunately, the learned Single Judge over looked the fatal flaw in the order of the Board of Revenue, U.P. and pronounced upon the legality of the purchases made in the names of the respondents.
11. In the result, the appeals are allowed. The impugned order as also the order passed by the Board of Revenue, U.P. are set aside and it is declared that the revisions filed by the respondents stood transferred to the Board of Revenue, State of Uttranchal. The Board of Revenue, U.P. is directed to transmit the record of the revision petitions to the Board of Revenue of the State of Uttrakhand which shall decide the revision petitions afresh. If there is no Board of Revenue in the State of Uttrakhand then the record shall be transferred to the corresponding adjudicating authority. The respondents shall furnish the list of allottees of plots along with their

latest addresses to the Board of Revenue, Uttrakhand or any other competent adjudicating authority within a period of four weeks from today. Thereafter, the allottees be impleaded as parties to the pending revisions and appropriate order be passed in accordance with law after hearing all the parties.

New Delhi, April 11, 2011

SD/- J. (G.S. Singhvi)

SD/- J. (Asok Kumar Ganguly)

ANNEXURE-A-3

17

COURT OF CHIEF REVENUE COMMISSIONER,

UTTARAKHAND - DEHRADUN

Revision No.10/2010-11

Golden Forest Company Ltd. Pvt. Ltd.

Versus

State

Today file was presented. The call was given. From the Revision side Counsel, and from Respondent side, District Administration Attorney (Revenue), Dehradun are present.

One Counsel Shri Abhimanyu Sharma introduced himself as counsel from the Committee, appointed by Hon'ble Supreme Court of India in Golden Forest India Ltd. matter and presented his Power of Attorney for Hon'ble Supreme Court I.A. No.28, 36, 41, 42, 43, 44, 45, 46 and 47-49 and in I.A. No.33, I.A. 50 order dated 05.09.2006 Transfer Case (Civil) No.2/2004 The Securities & Exchange Board of India Versus The Golden Forest (I) Limited, he presented para No.31 & 33 for the kind attention of the court and argued that now the entire property of Golden Forest have now come within the control of Committee appointed by Hon'ble Supreme Court, therefore in the pending

Revisions also, the Committee be given the opportunity to present their argument.

According to the para 31 and 33 order passed by Hon'ble Supreme Court of India dated 05.09.2006 has directed to Deputy Commissioner and other Civil and Revenue Officers that they should . cooperate with the Committee in preparing the details of properties of Golden Forest, for taking the possession by Committee and in mentioning the necessary mutation in land records.

This court has to decide the matter in Civil Appeal No.3196/2011 in which Hon'ble Supreme Court has passed the order dated 11.01.2011, in compliance of order dated 21.08.1997 passed by Assistant Collector First Grade against Revenue Council, Uttar Pradesh in which present Revisions and Revisions of Golden Forest are to be disposed of. According to the order of Hon'ble Supreme Court in this case only the allottees of plots are to be involved as parties. The earlier order passed by Hon'ble Supreme Court on 05.09.2006 these Revisions were not under the subject matter.

Therefore the prayer of counsel representing the Committee is not acceptable that he should also be involved as party in the pending Revisions.

In this regard Ld. counsel for Shri Maheshanand, Harshmani, Maya Ram and Vishalmani has requested that pending Revision which are mentioned in the order of Assistant Collector First Grade, Revenue Council (Board of Revenue) and Hon'ble High Court Nainital, in the same serial the land of land holders be deleted in the revenue records and other's name should be entered so that their interest be involved in the Revisions. Therefore only these persons shall be involved as parties of the Revisions and shall be given the opportunity of hearing.

As the matter has already been analyzed, this court have to involve the allottee parties for the hearing and disposal of Revisions in the light of order dated 11.04.2011 passed by Hon'ble Supreme Court. Therefore there is no basis that Shri Maheshanand and other be involved as party in the present revisions. Therefore the

application dated 19.11.2011 for involvement of party is dismissed.

According to the order dated 11.04.2011 passed by Hon'ble Supreme Court to provide the list of allottees to the Hon'ble Court, this point was made clear to the counsel of Revisionist that Golden Forest has purchased the land therefore they are the custodians. According to Zamindari Abolition Act any custodian cannot allot their land. The right of allotment is vested with the Government only. Therefore it is not possible to provide the list of allottees.

In compliance of order passed by Hon'ble Supreme Court notice for concerned allottees be published on behalf of this Court and the file be presented on Next Date 14.12.2011.

---sd/--- 23/XI/11

(P.C. Sharma)

Chief Revenue Commissioner

IN THE COURT OF BOARD OF REVENUE, UTTARAKHAND,
DEHRADUN

04.07.2012

Revision Petition No.10/2010-11

GOLDEN FOREST COMPANY

VERSUS

STATE

ORDER

Listed today. Called. Counsels for the parties are present. Arguments of learned counsels heard on the applications of Shri R.N. Aggarwal, Chairman-Committee, GFIL, Nityanand Joshi and Shri Hari Singh etc. for impleading them as Parties to the Revision Petition.

Learned counsel for Chairman-Committee GFIL argued the Hon'ble Supreme Court has given all the assets of Golden Forest Company into the custody of the Committee, therefore, it is necessary to provide opportunity to the Committee to be heard by impleading it as a party to Revision Petitions.

Counsels for other applicants stated that this court has issued advertisement in regard to the Revision Petitions in question that allottees of the plots of Golden Forest Company can file their respective case. In the Golden Forest matter, applicants are aggrieved due to the vesting of their lands into the State without any ground; therefore, impleading them as parties to aforesaid revision is necessary.

The argument of the counsels for Golden Forest Company and State was that in pursuant to order dated 11.04.2011 passed by the Hon'ble Supreme Court, this learned Court has to dispose of only those Revision Petitions, which were filed before erstwhile Board of Revenue, Uttar Pradesh against

the order dated 21.08.1997 passed by Assistant Collector, First Class and according to order dated 11.04.2011, only allottees of plots can be impleaded as parties in aforesaid matter. The order passed by the Hon'ble Supreme Court earlier, in the matter of Golden Forests, is not a subject matter of Revision Petitions before this Court; therefore, applicants cannot be impleaded as parties to these Revisions.

Para no.11 of the order passed in Civil Appeal No. 3195/2011 by the Hon'ble Supreme Court is as follows:

In the result, the appeals are allowed. The impugned order as also the order passed by the Board of Revenue, UP are set aside and it is declared that the revisions filed by the respondents stood transferred to the Board of Revenue, State of Uttaranchal. The Board of Revenue, UP is directed to transmit the record of the revision petitions to the Board of Revenue of the State of Uttarakhand which shall decide the revision petitions afresh. If there is no Board of Revenue in the State of Uttarakhand then the record shall be transferred to the corresponding adjudicating authority. The respondents shall furnish the list of allottees of plots along with their latest addresses to the Board of Revenue, Uttarakhand or any other competent adjudicating authority within a period of four weeks from today. Thereafter, the allottees will be impleaded as parties to the pending revisions and appropriate order be passed in accordance with law after hearing all the parties.

It is categorically mentioned in the aforesaid order that only allottees of plots shall have to be impleaded as parties to revision petitions. Since applicants are not the allottees of the plots of Golden Forest Company, therefore, they cannot be impleaded as parties to the Revision Petitions. In this respect, clear order has already been passed on 23.11.2011 by the then Corresponding Court of Chief Revenue Commissioner, Uttarakhand.

Therefore, all the three applications for impleadment are rejected. This order shall be applicable to the other 6 Revision Petitions of Golden Forest Company. Matter be listed for arguments of the parties on 11.07.2012.

SD/- (Subhash Kumar) Chairman 04.07.2012

ITEM NO.3

COURT NO.9

SECTION X

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

I.A. NO.3

IN

CIVIL APPEAL NO.3195 OF 2011

STATE OF UTTARANCHAL

-----APPELLANT(s)

VERSUS

M/S. GOLDEN FOREST CO. (P) LTD.

--RESPONDENT(s)

(For modification and office report)

Date: 10/03/2014

This I.A. was called on for hearing today.

CORAM: HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Appellant(s): Ms. Rachana Srivastava, Adv.

Mr. Utkarsh Sharma, Adv.

Ms. Pratiksha Chaturvedi, Adv.

For Applicant (s) Ms. Suruchi Aggarwal, Adv.

Mr. Prashant Chouhan, Adv.

For Respondent(s) Mr. Shailendra Bhardwaj, Adv.

Mrs. Aroma S. Bhardwaj, Adv.

UPON hearing counsel the Court made the following

25

ORDER

This interlocutory application stands disposed of in terms of the signed order.

(Sanjay Kumar) Court Master (Indu Satija) Assistant Registrar

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO.3 OF 2014

In

CIVIL APPEAL NO.3195 OF 2011

STATE OF UTTARANCHAL

-----APPELLANT

VERSUS

M/S. GOLDEN FOREST CO. (P) LTD.

----RESPONDENTS

ORDER

This application has been filed for modification of our order dated 11.04.2011 in the light of the observation made by this Court in its order dated 21.10.2013 passed in SLP(C) No.13793 of 2013.

It is common ground that this Court had appointed a Committee to look after the affairs of M/s Golden Forest Co.(P) Ltd. (for short the 'Company'). It is further common ground that the said company has filed various revision applications including R.O.R. Nos.10-16 of 2011 which are pending before the Board of Revenue.

As this Court appointed the Committee to look after the affairs of the company, we are of the opinion that to meet the ends of justice, it shall be desirable that the Committee appointed by this Court is heard by the Board of Revenue while deciding R.O.R. Nos.10-16 of 2011 in accordance with law.

We direct accordingly.

It is made clear that we have not expressed any opinion in regard to the merit of the cases of the parties which are pending before the Board of Revenue.

We modify our earlier order to the extent as indicated above.

I.A. No.3 of 2014 stands disposed of accordingly.

SD/- J [Chandramauli Kr. Prasad]

SD/- J [Pinaki Chandra Ghose]

New Delhi; March 10, 2014.

Civil Appeal @ SLP (C) No.19661/2009

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6621 OF 2012 (arising out of S.L.P. (Civil) No. 19661
of 2009)

STATE OF UTTARAKHAND AND OTHERS

-APPELLANT (S)

VERSUS

GURU RAM DAS EDUCATIONAL TRUST SOCIETY

---RESPONDENT(S)

JUDGMENT

R.M. Lodha, J.:

We have heard Ms. Rachana Srivastava, learned counsel for the petitioners, and Mr. Shanti Bhushan, learned senior counsel for the respondent.

2. Delay condoned.

3. Leave granted.

4. The controversy in this Appeal, by special leave, is in respect of land admeasuring 1.626 hectares situate in village Chalang, Dehradun out of 6.785 hectares which was transferred by the Bhumidhar to respondent, Guru Ram Das Educational Trust Society in 1992. A notice under Sections 166 and 167 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 (for short, '1950 Act') was issued by the Assistant Collector First Class/Sub Divisional Magistrate, Dehradun to the respondent to show cause why the said land should not be entered into the revenue

records in the name of the State Government and possession of the same be taken forcibly as the transfer in its favour was void. In response to the notice, the respondent filed its objections and set up diverse grounds. One of the objections raised by the respondent was that there was no prohibition under Section 154 of the 1950 Act on transfer by way of sale to a charitable trust for charitable purpose.

5. The Assistant Collector overruled the objections and, by his order dated January 27, 2006, came to the conclusion that the respondent held 1.626 hectares in excess of the permissible limit and declared that the excess land admeasuring 1.626 hectares shall vest in the State Government.

6. Against the order of the Assistant Collector, the respondent filed a revision application before the Commissioner, Garhwal Division. The revisional authority dismissed the revision application preferred by the respondent Trust.

7. Not satisfied with the orders of the Assistant Collector and Commissioner, the respondent challenged these orders in a Writ Petition before the High Court of Uttarakhand. The single Judge of the High Court allowed the Writ Petition principally on the ground that the subject land was being used for non-agricultural purpose for more than ten years and declaration under Section 143 of the 1950 Act was not necessary. He further held that the provisions of Section 154 were not applicable and, accordingly, quashed and set aside the orders of the Commissioner and Assistant Collector. It is against this order that the State of Uttaranchal (Now, Uttarakhand) and its functionaries have come up in appeal by special leave.

8. Section 154 of the 1950 Act, as it stood at the relevant time, read as under:

"Section 154. Restriction on transfer by a bhumidhar.- (1) Save as provided in sub-section (2), no bhumidhar shall have the right to transfer by sale or gift, any land other than tea gardens to any person where the transferee shall, as a result of such sale or gift, become entitled to land which together with land, if any, held by his family will in the aggregate, exceed 5.0586 hectares (12.50 acres) in Uttar Pradesh. (2) Subject to the provisions of any other law relating to the land tenures for the time being in force, the State Government may, by general or special order, authorize transfer in excess of the limit prescribed in sub-section (1) if it is of the opinion that such transfer is in favour of a registered co-operative society or an institution established for a charitable purpose, which does not have land sufficient for its need or that the transfer is in the interest of general public.

Explanation.- For the purposes of this section, the expression 'family' shall mean the transferee, his or her wife or husband (as the case may be) and minor children, and where the transferee is a minor also his or her parents."

9. The question before us is - Whether a charitable trust is covered by the expression 'any person' occurring in Section 154(1) of the 1950 Act?

10. It may be immediately noticed that the expression used in Section 154(1) is "...to any person where the transferee shall, as a result of such sale or gift, become entitled to land which together with land, if any, held by his family will in the aggregate, exceed 5.0586 hectares (12.50 acres) in Uttar Pradesh." (emphasis supplied) A close look at the above expression would show that the Legislature intended to cover only natural person. It is so because the words 'any person' are followed in the sentence by the words 'his family'. 'Family' is explained in the explanation appended

to Section 154 which means the transferee, his or her wife or husband, as the case may be, and minor children and where transferee is a minor, his or her parents. This makes it clear that a legal person is not intended to be included in the expression 'any person'. The word 'person', in law, may include both a natural person and a legal person. Sometimes it is restricted to the former. Having regard to the text of Section 154(1) and also the scheme of that provision, there remains no doubt that the expression 'any person' refers to a natural person and not an artificial person. This is fortified by the fact that in 1997 the Legislature inserted Explanation by U.P. Act No. 20 of 1997 declaring that in sub-section (1) the expression 'person' shall include and be deemed to have been included on June 15, 1976 a 'Co-operative Society'. Had the expression 'person' included artificial person, no explanation was necessary. Since the expression 'person' in Section 154 did not include legal or artificial person, the Legislature brought in Co-operative Society by way of an Explanation. The Explanation came to be added in 1997 in a declaratory form to retrospectively bring 'Co-operative Society' within the meaning of expression 'any person'.

11. Accordingly, we hold, as it must be held, that a 'charitable institution' is not included within the meaning of the expression 'any person' occurring in Section 154 of the 1950 Act and, therefore, the Assistant Collector was not justified in issuing notice to the respondent under Sections 166 and 167 of the 1950 Act.

12. Though we are not in agreement with the reasoning of the High Court fully, but in view of what we have indicated above, no interference is called for in the impugned order.

13. Appeal is, accordingly, dismissed. No order as to costs.

NEW DELHI
SEPTEMBER 18, 2012

SD/- J. (R.M. LODHA)
SD/- J. (ANIL R. DAVE)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

WRIT PETITION (S) (CIVIL) NO(S).188 of 2004

WITH

I.A. NO.36379 OF 2018 IN T. C. (C) NO. 02 OF 2004

IN THE MATTER OF:

M/S. RAIGANJ CONSUMER FORUM

-----PETITIONER(S)

VERSUS

UNION OF INDIA & OTHERS

--RESPONDENT(S)

COMPLIANCE REPORT/ AFFIDAVIT IN COMPLIANCE ON BEHALF OF
THE STATE OF UTTARAKHAND OF ORDER DATED 11.04.2018 OF
THIS HON'BLE COURT

I, Vinod Prasad Raturi, aged 53 years, S/o Late Parshu Ram Raturi
presently posted as Secretary (In-Charge) Revenue, Uttarakhand presently
at New Delhi do hereby solemnly affirm and state as under:

1. That the deponent is working in above capacity and is fully conversant with the facts of the case and is competent and authorized to file this compliance report/affidavit on behalf of respondent.
2. That this Hon'ble Court vide its order dated 11.04.2018 had issued following directions:-

I.A.No.36379 of 2018 in T. C. C No. 2 of 2004:

".....The States of Punjab and Uttarakhand are directed to
file affidavits furnishing the particulars of the lands which have been

declared surplus. It shall also be clarified in the affidavits as to why the lands have been declared surplus.

The affidavits shall be filed by the officers not below the rank of Secretary to the Government within a period of three weeks from today.

The Commissioner of Income Tax, Chandigarh, is directed to file an affidavit as to what is the basis of assessment of capital gains. Post all the matters on 02.05.2018."

3. It is submitted that U.P. Zamindari Abolition and Land Reforms Act, 1950 was enacted by the erstwhile State of Uttar Pradesh and after creation of new State i.e. State of Uttarakhand the above U.P. Zamindari Abolition and Land Reform, 1950 was made applicable in State of Uttarakhand also. According to provisions of Section 154 (1) of the above U.P. Zamindari Abolition and Land Reform Act, 1950 as also applicable to Uttarakhand, no one can purchase land exceeding 12.50 acres in the entire State, without prior permission of the State Government

Section 154 of UPZA & LR Act is reproduced below:-

"Section 154. Restriction on transfer by a Bhumidhar:- (1) Save as provided in Sub-section (2), no Bhumidhar shall have the right to transfer by sale or gift, any land other than tea gardens to any person where the transferee shall, as a result of such sale or gift, become entitled to land which together with: land if any, held by his family will, in the aggregate, exceed 5.0586 hectares (12.50 acres) in Uttar Pradesh.

[Explanation- For the removal of doubt it is hereby declared that in this Sub-section the expression 'person' shall include and be deemed to have included on June 15, 1976 'Co-operative Society':

Provided that where the transferee is a co-operative society, the land held by it having been pooled by its members under clause (a) of Sub-section (1) of section 77 of the Uttar Pradesh Co-operative

Societies Act, 1965 shall not be taken into account in computing the 5.0586 hectares (12.50 acres) land held by its.]

(2) Subject to the provisions of any other law relating to the land tenures for the time being in force, the State Government may, by general or special orders, authorize transfer in excess of the limit prescribed in sub-section (1) if it is of the opinion that such transfer is in favour of a registered cooperative society or an institution established for a charitable purpose, which does not have land sufficient for its need or that the transfer is in the interest of general public.

[Explanation- For the purposes of this section, the expression 'family' shall mean the transferee, his or her wife or husband (as the case may be) and minor children, and where the transferee is a minor also his or her parents.,

On the other hand under Section 166 of U.P. Zamindari Abolition and Land Reforms Act, 1950 it is also provided that any transfer takes place in contravention of the Act, the same is void and under Section 167 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 the said land vests in State Government free from all encumbrances, from the date of its transfer,

Section 166 and 167 of U.P. Zamindari Abolition and Land Reforms Act read as under:

"Section 166, Transfer made in Contravention of the act to be void:-

[Every transfer made in contravention of the Act to be void- Every transfer made in contravention of the provisions of this Act shall be void].

Section 167, Consequences of void transfers:-

(1) T sequences shall ensue in respect of every transfer which is void by virtue of section 166, namely

- a. the subject-matter of transfer shall with effect from the date of transfer, be deemed to have vested in the State Government free from all encumbrances;
- b. the trees, crops and wells existing on the land on the date of transfer shall, with effect from the said date, be deemed to have vested in the State Government free from all encumbrances;
- c. the transferee may remove other movable property or the materials of any immovable property existing on such land on the date of transfer within such time as may be prescribed.

(2) Where any land or other property has vested in the State Government under sub-section (1), it shall be lawful for the Collector to take over possession over such land or other property and to direct that any person occupying such land or property be evicted therefrom. For the purposes of taking over such possession or evicting such unauthorized occupants, the collector may use or cause to be used such force as may be necessary]

- 4. That insofar as M/s Golden Forest (India) Ltd. & its subsidiary companies are concerned, they have purchased/ transferred much more land than 12.50 acres as prescribed under above section 154 (1) of Z.A. Act and since these transfers/purchases of land were in contravention of above provisions of the U.P. Zamindari Abolition and Land Reforms Act, 1950 therefore, the land so transferred/ purchased had vested in State Government according to provisions of section 166 & 167 Z.A. Act.

It is submitted that as per records presently available, lands of Golden Forest and its subsidiaries are found only in two districts of the State of Uttarakhand, Nainital and Dehradun.

In District Nainital 0.039 hectare (0.096 acre) of Land of Golden Forest is disputed.

True translated copy of letter dated 03.05.2018 of the District Magistrate Nainital to Additional Secretary Revenue Govt. of Uttarakhand is annexed herewith and marked as **ANNEXURE R-1**.

In District Dehradun, in view of violation of section 154 and consequences under section 166/167 of U.P. Zamindari Abolition and Land Reforms Act there is total 479 9996 Hectare (1186.10 Acre) land of Golden Forest India Ltd. Company and its subsidiary companies which has been declared surplus and which vest in the State Government. Out of this 13.1395 hectare (32.4684116 acre) land has been allotted to different Government Department/Agencies. In addition 30.351 Hectare (75 acre) land is under consideration for being declared as surplus and land amounting to be 12.5 acres of golden forest is yet liable to be declared surplus for which proceedings are being initiated.

True translated copy of chart showing the land annexed herewith and marked as **ANNEXURE R-2**.

5. That 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 Government'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 Limited. The Board of Revenue Uttarakhand by order dated 21.10.2014 passed in Revision No.10 to 10 of 2010-2011 Golden Forest versus State set aside the Order dated 21.08.1997 of the Ld. Court below and by order dated 30.06.2015 and 01.01.2018 the cases were sent to the Court of Collector/Additional Collector for

fresh decision. As of now the said cases are pending before the court of Collector/Additional Collector Dehradun.

True translated copy of chart showing the details of land situated in District Dehradun, its present market value is annexed herewith and marked as ANNEXURE R-3.

6. That apart from above as per information presently available, no other land of Golden Forest Company has come to light in the remaining other districts of State of Uttarakhand

A chart showing the present details of land of Golden Forest Company in other district of State of Uttarakhand is annexed herewith and marked as ANNEXURE R-4.

7. That no additional facts or grounds have been raised in this reply/affidavit by the deponent, which were not pleaded before the Courts below.
8. That the facts stated in the above affidavit are based on the information derived from the official record and as such true and correct as per my knowledge. No part of the same is false and nothing material has been concealed therefrom

DEPONENT

VERIFICATION:

Verified at New Delhi this the 9th day of May, 2018 that the contents of above affidavit are based on the information derived from the official record and as such true and correct as per my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

Through:
(Jatinder Kumar Bhatia)
Advocate

B-10, Dhawandeep Apartments 6, Jantar Mantar Road Connaught Place
New Delhi-1 10001
Phone: 011-23741526

ANNEXURE R-1

From,

District Magistrate
Nainital

To,

Additional Secretary Revenue Section-2
Govt. of Uttarakhand

No.5577/20-Judicial Assistant/2018 Dated 03.05.2018

Subject :-Transferred case (Civil) No. 2/2004 and T.P. (C)
No.216/2003 Securities and Exchange Board
of India (SEBI) and Ors. Vs. Golden Forest India
Ltd. & Ors.

Sir,

With reference to above subject in compliance of letter
No.719/18(II)/2008(267)/2016 dated 02.05.2018 of the Govt.
the information sought regarding the points prescribed for the
land of Golden Forest relating to District Nainital is sent as
per following:-

1. According to cognizance in district Nainital there is total
0.039 hect. Land of Golden Forest situated in Rajbhawan
Road Talli Tal Nainital, Building No.52 Hazwarten
compound, Ramniwas Saint Merry Convent School, over
0.037 hect. land of the same there is a constructed
building. Above total land is disputed.

39

2. According to report of office of Deputy Registrar Nainital the present market rate of the above land including building is as per following:-

Commercial price

Total covered area= 4265 sq.ft. =375 sq.mtr.

Rate decided by Collector=Rs.34600/- per sq. mtr.

$34600 \times 375 = 12975000/-$

Open area = 4265 sq.ft.-4035 sq. ft. = 230 sq. ft.=21.37 sq. mtr.=258577

Total valuation = $12975000 - 258577 = 12333577$

Residential rate - $11000 \times 396.74 = \text{Rs.}4364186$ land rate

Rate of the building- $12000 \times 357 = 4500000$

Total valuation 8864186

Yours truly
Sd/-
Harbeer Singh
Additional District Magistrate
Nainital

//TRUE TRANSLATED COPY//

ANNEXURE R-3

With reference to Transferred case (Civil) No. 2/2004 and T.P. (C) No.216/2003 Securities and Exchange Board of India (SEBI) and Ors. Vs. Golden Forest India Ltd. & Ors.

Sl. No.	District	State	Total land of Golden Forest (in hect.)	Disputed land	Details
1.	Dehradun	Uttarakhand	479.9996 hect.	479.9996 hect.	<p>The case relating to land in question was sent to Hon'ble Board of Revenue Uttarakhand Dehradun by the Hon'ble Supreme Court vide order dated 11.04.2011. The board of revenue by order dated 21.10.2014 passed in revision No. 10 to 10 of 2010-11 Golden Forest Vs. State set aside the order dated 21.08.1997 of the Ld. Court below and by order dated 30.06.2015 and 01.01.2018 the files were sent to the court of Collector/Additional Collector as such the cases are pending in the court of Collector/Additional Collector.</p> <p>Similarly the Hon'ble High Court by order dated 27.03.2014 passed in Writ Petition No.515(MIS)/2004 set</p>

ANNEXURE R-2

Details of the information received from Tehsil relating to the land of Golden Forest in District Dehradun

Sl. No.	Name of Tehsil	Land declared surplus (in Hect.)	Valuation		Allotted to Govt. Agencies (in Hect.)
			If assessed as Agriculture Land (In Rs.)	If assessed as Non Agriculture Land (In Rs.)	
1	2	3	4	5	6
1	Dehradun	163.3085	4054041350	8552071500	-
2	Vikasnagar	310.8101	3244806640	19001578500	13.1395
3	Doiwala	2.757	4411200	38598000	-
4	Rishikesh	3.124	18736786	73315739	-
	Total	479.9996	7321995976	27665563739	13.1395

Sd/-
07.05.2018
ADM (F/R)
Dehradun

//TRUE TRANSLATED COPY//

42

					aside the order dated 02.06.2003 passed by the court of Assistant Collector/SDM Vikash Nagar in Case No.15A/1999-2000 and the matter is pending for hearing on merits regarding entire land.
--	--	--	--	--	--

Note :-

1. After purchase of land by Golden Forest Company and its Associate companies in question since the proceeding of mutation in revenue records could not be done due to the reason entire land could not be demarcated, only in preliminary enquiry on coming in notice the sale deed of the land purchased by company on finding violation of restrictions of section 154 ZA Act hence, the proceeding under section 166/167 ZA Act has been initiated. Apart from these there is possibility of being other sale deeds of the lands.
2. In violation of section 154 ZA Act leaving 12.50 acre land of the company remaining land is vested in State Government. The land vested in State Government cannot be auctioned, the proceeding of auction is possible only in regard to 12.50 acre land left in favour of the company.

ANNEXURE R-4

Details of the land of Golden forest in State of Uttarakhand

Sl. No.	Name of the district	Land of golden forest (in hect.)	Current market rate of land of Golden forest	Remark
1.	Dehradun			
2.	Rudraprayag	-	-	Nil
3.	Chamoli	-	-	Nil
4.	Udham Singh Nagar	-	-	Nil
5.	Uttarkashi	-	-	Nil
6.	Pithoragarh	-	-	Nil
7.	Pauri	-	-	Nil
8.	Bageshwar	-	-	Nil
9.	Tehri Garhwal	-	-	Nil
10.	Almora	-	-	Information not received
11.	Haridwar	-	-	Nil
12.	Champawat	-	-	Could not be contacted
13.	Nainital	About 4197.925 sq. ft. (total area)	May be more than 1.50 lakh.	The land was allotted in Rs.1.50 lakh by auction in compliance of orders of Hon'ble Supreme Court

44.
REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

WRIT PETITION (S) (CIVIL) NO(S).188 of 2004

WITH

I.A. NO.36379 OF 2018 IN T. C. (C) NO. 02 OF 2004

IN THE MATTER OF:

M/S. RAIGANJ CONSUMER FORUM

-----PETITIONER(S)

VERSUS

UNION OF INDIA & OTHERS

--RESPONDENT(S)

APPLICATION FOR EXEMPTION FROM FILING OFFICIAL
TRANSLATION

To

The Hon'ble the Chief Justice of India and his Companion
Judges of the Hon'ble Supreme Court of India.

The humble petition/application of respondent above named

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Court by order dated 11.04.2018 had directed the respondent State of Uttarakhand to file details of surplus land in the above petition and the answering respondent is filling compliance report/ affidavit of the same. All the facts and contentions have been set out in detail in said compliance report/affidavit, for the sake of brevity and to avoid repetition; the respondent is not repeating the same. The respondent crave indulgence of this Hon'ble Court to refer and to rely upon the same at the time of hearing of this application.

2. That. Annexure R-1 to R-4 to the accompanying compliance report/affidavit were in vernacular language but due to urgency of the matter the respondent is not able to file official translation of said annexures. It is submitted that the said documents are important and vital for the decision in this case and at the time

PRAYER

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

- a) Grant exemption from filing official translation of documents marked as Annexure R-1 to R-4;
- b) Pass such other and further Order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE RESPONDENT AS IS DUTY BOUND SHALL EVER PRAY

Filed by:- 05.2018

[JATINDER KUMAR BHATIA] Advocate for the Respondent (s)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

1A NO - 145178 / 19

WRIT PETITION (C) NO. 188 of 2004

IN THE MATTER OF

M/s. Raiganj Consumer Forum

....Petitioner

AND

Union of India and others

....Respondents

PAPER BOOK

(FOR INDEX PLEASE SEE INSIDE)

ADVOCATE FOR THE RESPONDENT: [JATINDER KUMAR BHATIA]

JKB 789 Reply Affidavit

INDEX

S.No.	PARTICULARS	Pages
1.	Reply affidavit on behalf of the State of Uttarakhand to the Application of the Supreme Court Appointed Committee (for GFIL) for directions regarding surplus Land in Uttarakhand	1 - 35

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. No. 145178/2019

IN

WRIT PETITION (CIVIL) NO. 188 of 2004

IN THE MATTER OF:

M/s. Raiganj Consumer Forum

.....Petitioner

Versus

Union of India and others

.....Respondents

**REPLY AFFIDAVIT ON BEHALF OF THE
STATE OF UTTARAKHAND TO THE
APPLICATION OF THE SUPREME COURT
APPOINTED COMMITTEE (FOR GFIL) FOR
DIRECTIONS REGARDING SURPLUS LAND
IN UTTARAKHAND**

I, Sushil Kumar, aged about 56 years, S/o Shri Sat Prakash, presently posted as Secretary (In-Charge) Revenue, Uttarakhand do hereby solemnly affirm and state as under:

1. That I am working in above capacity and am fully conversant with the facts of the present case and am competent to depose by way of the present affidavit on behalf of the State of Uttarakhand.
2. That I have gone through the application filed by the Committee seeking quashing of orders passed by the State in the year 1997/2003 vesting surplus lands in the State and say that the same is misconceived on facts and is untenable in law. The application ignores mandatory provisions of the applicable law and reliefs sought for are not maintainable.

I. APPLICABLE LAW :-

3. 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. Section 154 of the adopted Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, reads as follows:

“154. Restriction on transfer by a bhumidhar:

- (1) Save as provided in sub-section (2), no bhumidhar shall have the right to transfer by sale or gift, any land other than tea garden to any person where the transferee shall, as a result of such sale or gift, become entitled to land which together with land, if any, held by his family will in the aggregate, exceed 5.0586 hectares (12.50 acres) in (Uttar Pradesh) Uttarakhand.*

[Explanation – For the removal of doubt it is hereby declared that in this sub-section the expression “person” shall include and be deemed to have included on June 15, 1976 a “Co-operative Society”:

Provided that where the transferee is a Co-operative Society, the land held by it having been pooled by its members under Clause (a) of sub-section (1) of Section 77 of the Uttar Pradesh Co-operative Societies Act, 1965 shall not be taken into account in computing the 5.0586 hectares (12.50 acres) land held by it.]

- (2) *Subject to the provisions of any other law relating to the land tenures for the time being in force, the State Government may, by general or special order, authorize transfer in excess of the limit prescribed in sub-section (1) if it is of the opinion that such transfer is in favour of a registered co-operative society or an institution established for a charitable purpose, which does not have land sufficient for its need or that the transfer is in the interest of general public.*

Explanation – For the purposes of this section, the expression ‘family’ shall mean the transferee, his or her wife or husband (as the case may be) and minor children and where the transferee is a minor also his or her parents.”

5. Section 157-A, 157-B and 157 (4) of the adopted Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, reads as follows:

“157-A. Restrictions on transfer of land by members of Scheduled Castes.-

- (1) Without prejudice to the restrictions contained in Sections 153 to 157, no bhumidhar or asami belonging to a*

Scheduled Caste shall have the right to transfer any land by way of sale, gift, mortgage or lease to a person not belonging to a Scheduled Caste, except with the previous approval of the Collector:

Provided that no such approval shall be given by the Collector in case where the land held in Uttar Pradesh by the transfer on the date of application under this section is less than 1.26 hectares or where the area of land so held in Uttar Pradesh by the transferor on the said date is after such transfer, likely to be reduced to less than 1.26 hectares.

(2) The Collector shall, on an application made in that behalf in the prescribed manner, make such inquiry as may be prescribed.

x x x

157-B. Restrictions on transfer of land by members of Scheduled Tribes.-

(1) Without prejudice to the restrictions contained in Sections 153 to 157, no bhumidhar or asami belonging to a Scheduled Tribe shall have the right to transfer by way of sale, gift, mortgage or lease or otherwise any land to a person not belonging to a Scheduled Tribe.

157 (4) No transfer under this section shall be made except with the previous approval of the Assistant Collector concerned."

6. Relevant to the above is Section 166 and 167 of the adopted Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, which read as follows:

"166. Transfer made in contravention of the Act to be void-

Every transfer made in contravention of the provisions of this Act shall be void.

167. Consequences of void transfers –

(1) The following consequences shall ensue in respect of every transfer which is void by virtue of section 166, namely-

(a). the subject-matter of transfer shall with effect from the date of transfer, be deemed to have vested in the State Government free from all encumbrances;

(b) the trees, crops and wells existing on the land on the date of transfer shall, with effect from the said date, be deemed to have vested in the State Government free from all encumbrances;

(c) the transferee may remove other movable property or the materials of any immovable property existing on such land on the date of transfer within such time as may be prescribed.

(2) Where any land or other property has vested in the State Government under sub-section (1), it shall be lawful for the Collector to take over possession over such land or other property and to direct that any person occupying such land or property be evicted therefrom. For the purposes of taking over such possession or evicting such unauthorized occupants, the collector may use or cause to be used such force as may be necessary".

7. On 12th September, 2003, the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Ordinance, 2003 (Uttaranchal Ordinance No. -06 of 2003) was promulgated.

By the said ordinance, sub-Sections (3), (4) and (5) were added to Section 154 of the Act and at the same time, amongst others, Section 129-B was added to the said Act.

The objects and reasons for promulgation of the said ordinance was as follows:

“ Whereas, after the formation of the State of Uttaranchal, it was observed that a large number of transactions had been taking place whereby the limited agricultural land of the State was being purchased and sold indiscriminately for the purpose of profiteering, by individuals and vested interest groups, ostensibly for non-agricultural use, and whereas this created a situation where the agricultural community was being alienated from their land without being adequately compensated and whereas, the State having extensive international boundaries has the risk of providing settlements to external agencies or individuals with criminal, terrorist and anti-national links, it is felt that a legislation may be brought about to prevent the incidence of such activities, so that there is economic stability and a congenial environment for development.”

8. On 15th January, 2004, after the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation & Modification Order, 2001) (Amendment) Act, 2003 was legislated by the Legislature of the State of Uttarakhand, replacing the above ordinance and the same was published in the official gazette.

By and under the said Act, Section 129-B and sub-Sections (3), (4) and (5) to Section 154, as were inserted by the ordinance in the said Act, were re-enacted.

Section 129-B reads as follows:

"129-B. There shall be, for the purposes of Section 154(4)(1)(a), 154(4)(2)(e), 154(4)(2)(f) and 154(4)(3) of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as the Principal Act) following class of Bhumidhar, i.e., to say - (1) Bhumidhar of special category.

Sub-Sections (3), (4) and (5) to Section 154 read as follows:-

"Section 154: -

- (3) *A bhumidhar with transferable rights may sell his land to any of the categories of tenure holders in the State of Uttaranchal as mentioned in section 129 or such owner of any immovable property in Uttaranchal who has acquired it on or before 12-09-2003 or to any member of the 'family', which means husband, his wife and their children, including step or adopted children, and includes parents, grand parents, brothers and unmarried, widowed, separated and divorced sisters of such tenure holder of the owner, as the case may be.*
- (4) *(1) (a) Subject to other restrictions and save as otherwise provided in this Act, "any person for his own or on behalf of his family (which means husband, his wife and minor children, unmarried sons, unmarried daughters and dependent parents) even though he is not a tenure holder under section 129 or the owner of any immovable property in Uttarakhand, may purchase land not exceeding 250 sq. mts. for residential purpose in his lifetime without the permission;*

(b) A registered agreement to sell the land executed on or before 12-09-2003 shall be valid if the sale deed on the basis of such agreement is executed on or before 31-03-2004, irrespective of any time limit provided in the agreement, unless extended by the collector of the district for reasons to be recorded in writing.

(2) Nothing in sub-section 154(3) shall be deemed to prohibit the transfer of land by any person in favour of: -

(a) The State Government or Central Government or a Government company, as defined in section 617 of the Companies Act, 1956 or a Statutory Body or Corporation or Board established by or under a Statute and owned and controlled by the State or Central Government;

(b) A person who has become a non-tenure on account of:-

(i) Acquisition of his land for any public purpose under the Land Acquisition Act, 1894; or

(ii) Vestment of his land in the tenants under this Act;

(c) A non-tenure holder who purchases or intends to purchase land for the construction of a house or shop or purchases a built-up house or shop from

the State Housing Board or from a Development Authority or from any other Statutory Corporation set up under any State of Central enactment;

(d) [* *]*

(e) A person or company according to Industrial Policy of Uttaranchal in (i) Integrated Industrial Development Centre (ii) Industrial Area (iii) Industrial Estates;

(f) A person, society or trust for religious purposes;

(g) A landless labourer of the Uttaranchal; or

(h) A landless person belonging to a Scheduled Caste or Scheduled Tribe of the Uttaranchal; or

(i) A village artisan of the Uttaranchal; or

(j) A landless person carrying on an allied pursuit of the Uttaranchal.

(3) (a) Subject to restrictions contained in section 154, a person, society or corporate body may purchase land for the following purposes, other than those of Agriculture and Horticulture purposes, with the prior

sanction of the Government in the State of Uttaranchal as may be prescribed :-

(i) Medical or health purposes, if it conforms to the Health and Population Policy of Uttaranchal;

(ii) Hotel, Lodge, Guest House, Restaurant, Bar, Spa, way side amenities or resort, if it conforms to the Tourism Policy of the State;

(iii) Educational purposes, on the recommendations of the Department of Education;

(iv) Cultural purposes; and

(v) For industrial purposes in areas other than those mentioned in section 154(4)(2)(e) or for other purposes.

(b) A person, society or company may purchase land with prior sanction of the Collector of the district for Agricultural or Horticultural purposes, as may be prescribed, on furnishing an affidavit to the effect that such land will be used for Agricultural or Horticultural purposes and for uses incidental to and connected with Agriculture or Horticulture only. If the land use of such land as mentioned in the Affidavit is changed, the said transfer shall be void and consequences of section 167 shall follow:

Provided that a person who is a non-tenure holder but purchases land either under section 154(4)(1)(a), 154(4)(2)(e) and 154(4)(2)(f) or under the sanction granted under section 154(4)(3) shall, irrespective of such purchase of land, continue to be a bhumidhar of special category as provided under section 129-B and such bhumidhar shall be eligible to purchase land in future only with the permission, of the State Government or collector of the district as the case may be.

Provided further that such bhumidhar may mortgage or hypothecate such land for obtaining loan from banks and financial institutions or deriving any other benefit accruing from his bhumidhari rights under section 129.

Provided further that a non-tenure holder who has purchased land under section 154(4)(2)(e), 154(4)(2)(f) and who has purchased land under section 154(4)(3) under the sanction of Government or Collector, as the case may be, shall put land to such use for which the sanction has been granted within a period of two years or further such period as may be allowed by the State Government for reasons to be recorded in writing, to be counted from the date of registration of sale deed and if he

fails to do so or diverts the use of the land for which it was sanctioned or transfers the land by way of sale, gift or otherwise except for the purpose for which it was purchased, such transfer shall be void for the purpose of this Act, and consequences of section 167 shall follow -

(5) *Where, -*

(a) The Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908 before whom any document pertaining to transfer of land is presented for registration comes to know or has reason to believe that the transfer of land is in contravention of section 154 (3) or 154 (4) (3); or

(b) A Revenue Officer either on an application submitted to him or on receipt of any information from any source comes to know or has reason to believe that the land has been transferred in contravention of the provisions of section 152-A, 154(3), 154(4)(2)(e), 154(4)(2)(f) or 154(4)(3), such Sub-Registrar, Registrar or Revenue Officer, as the case may be, shall make a reference to the Collector of the district, who shall determine whether the transfer is in contravention of the provision of this Act in the manner prescribed and consequences of section 167 shall follow in respect of every transfer which is void;

(c) (i) The State Government may, either on the report of a Revenue Officer or on an application by any person or of its own motion, call for the records of any proceedings or case for the purpose of satisfying itself as to the legality or propriety of such proceedings or order made therein and may pass such order in relation thereto as it may think fit;"

9. The purport of the above provisions in context of the present case is that a transfer of land by a bhumidar to any **person, society or company**, in the aggregate exceeding 12.5 Acres in case of agricultural land and 250 sq. mts. for residential purpose cannot be made **without the prior sanction of the Collector of the District**. Same is the position in the case of sale by an SC/ST bhumidar who cannot make sale of any land **without the prior sanction of the Collector of the District**. Furthermore in the absence of such permission, the said **transfer shall be void** in terms of Section 166 and land would deemed to have vested in the Govt. in terms of section 167 of the Act.

10. The object of the above statutory provisions is to prevent indiscriminate purchase and sale of agricultural land in the State for the purpose of profiteering and to ensure agricultural community is not alienated from their land. However the Government and Government Companies are outside the purview of these restrictions if acquisition or vesting of land is for fulfilment of object of an industrial policy and if acquisition is for religious purpose. In relation to this objective, the said Act as well as the amendment thereto are part of Ninth Schedule of the Constitution of India and, accordingly, the same are beyond challenge before a Constitutional Court.

II. Latest position regarding Vestment of Lands allegedly purchased by Golden Forest Companies / their Directors :

11. 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.

12. 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.

13. That 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.

Noteworthy that as of now there is no vestment order surviving nor is any sale in favour of any Golden Forest Company confirmed.

It is important to state here that in one case of such alleged transfer in favour of Golden Forest Companies, the District Magistrate conducted an enquiry and found that the transfer was fraudulent and even entries in revenue records were fraudulently made. Legal proceedings are in progress in this case.

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 sale is being properly scrutinized in these pending proceedings.

14. In addition to the above, there are 69 Sale Deeds alleged to have been executed by Bhumidars between 1992 to 1997 in favour various persons including Directors / persons alleging themselves to represent M/s Golden Forest (India) Ltd. /its subsidiary companies, which have yet to be registered and continue to

remain pending registration for want of any or all of the following mandatory requirements :-

- (i) Ceiling Certificate,
- (ii) Certificate of kind of Land,
- (iii) Certified Copy of Kashra and Khatoni,
- (iv) Non SC/ST proof,
- (v) Deficit Stamp Duty,
- (vi) Payment of Penalty and
- (vii) Income Tax Clearance certificate.

Out of these 69 Sale Deeds, 11 Sale Deeds relate to agricultural land more than 12.50 Acres each and in 7 Sale Deeds the seller is a member of SC/ST. Upon scrutiny, if it is found that there was absence of permission under Section 154 / 157A /157B of the Act and in case it is determined that the sale was in favour of Golden Forest Companies, should these lands fall in Zamindari Abolition Areas, these lands would be liable to be vested in the State in terms of Section 166 and 167 of the Act. Notably under section 164 of the Act, for section 154 to apply, transfer with possession by bhumidar is deemed to be a sale notwithstanding anything to the contrary.

*cannot be
applied retrospectively*

Section 164 reads as follows:-

" 164. Transfer with possession by bhumidar to be deemed a sale._

Any transfer of any holding or part thereof made by a bhumidhar by which possession is transferred to the transferee for the purpose of securing any payment of money advanced or to be advanced by way of loan, and existing or future debt or the performance of an engagement which may give rise to a pecuniary liability, shall, notwithstanding anything contained in the document of transfer or any law for the time being in force, be deemed at all times and for all purposes to be a sale to the transferee and to every such sale the provisions of Sections 154 and 163 shall apply."

15. It is important to mention that since there is a continuing state of uncertainty as to the ownership of these lands in question and the future of these lands is yet to be decided, these lands acquired the potential to become a happy hunting ground for encroachers and land mafia.

To protect the aforesaid lands till such time the future of these lands is not decided and subject to outcome of the pending legal proceedings, the State Government appointed Government, Semi Government and Similar Institutions as custodians of these properties to oversee that no encroachment takes place.

In this regard 26 Hectares of land was put under watch of the Uttaranchal University of the State Govt., District Jail, IIM etc. The State has further allocated 29.789 Hectares of land situate in Tehsil Vikas Nagar to the watch of the Department of Irrigation of the Govt. of Uttarakhand. Another 49.706 Hectares of land situate in Tehsil Vikas Nagar and Tehsil Dehradun Sadar to the Department of Industrial Development of the Govt. of Uttarakhand. Further 22.519 Hectares of land situate in Tehsil Vikas Nagar and Tehsil Sadar stands allocated under watch and ward of the Department of Housing of the Govt. of Uttarakhand. 9.685 Hectares of land situate in Tehsil Dehradun has been put under

watch of the State Properties Department and 342.688 Hectares of land has been put under watch of the Gram Sabhas of the Village where the land is situate.

It is submitted that in the event these lands eventually get declared surplus land, the State intends to use 29.789 Hectares of land situate in Tehsil Vikas Nagar for rehabilitation of displaced persons due to construction of Soug, Jamrani, Lakhwad, Vyasi and other dam projects, 49.706 Hectares of land situate in Tehsil Vikas Nagar and Tehsil Dehradun Sadar for location of industries, 22.519 Hectares of land situate in Tehsil Vikas Nagar and Tehsil Sadar for construction of housing colonies, 9.685 Hectares of land situate in Tehsil Dehradun for location of State Offices and State Residences and 342.688 Hectares of land for the planned development of Village and Community services.

III. REPLY TO THE APPLICATION OF THE COMMITTEE (GFIL):-

16. That the application of the Committee seeking setting aside of notices issued by the Collector in accordance with the extant provisions of the ZALR Act and quashing of any order of vestment pursuant thereto is misconceived. The Golden Forest Companies and their Directors are amenable to law as any other ordinary citizen of this country and do not qualify for any extraordinary treatment at all. The Golden Forest Companies and their Directors, in case are found to have violated provisions of the ZALR Act would be dealt with penalties in accordance with provisions of the said Act and the proceedings pending before the Collector shall be decided on their own individual merit wherein the Committee is already represented. *(See para 16 of the application under reply wherein the Committee admits that it has filed applications before the ADM (F&R) which are presently pending).*

Thus seeking reliefs directly from this Hon'ble Court which per law is to be adjudicated by the Collector, takes away the valuable right of a litigant to obtain a decision from the Competent Court as also the invaluable right of appeal in case the decision does not go in its favour. In these cases the State is also a litigant and its right to a decision and appeal also needs to be equally protected. The application thus needs to be rejected summarily.

17. Without prejudice to the above contention, the reference by the Committee to the judgement of this Hon'ble Court dated 18.09.2012 in Civil Appeal 6621 of 2012 is misplaced as the above quoted provisions of the ZA LR Act show that the restrictions in Sections 154 (1), 157A and 157B apply to purchases by *a person, society or corporate body* and the requirement of mandatory permission in cases of sale above 12.5 Acres of land and that by a member of the SC/ST community require mandatory permission from the Collector which has not been obtained in even a

single case. In any case a Company is a juristic person. Nevertheless even this issue has admittedly been raised by the Committee before the Collector in the cases pending before him and it would be wrong to prejudge this issue at this stage before he decides the same as he is bound to as provided for in law.

18. As regards the opposition of the Committee to the State Government's safeguarding these lands pending adjudication and subject to outcome of the pending legal proceedings, the Committee cannot take the stand that pending adjudication these lands be released and be put to risk of encroachment. In the event the lands do ultimately get declared surplus, the premature objection of the Committee for utilization of surplus land by the State for public purposes and common good of the public of the State for pressing requirement of public purpose is clearly misconceived.

19. Another plea raised by the Committee is with regard to valuation of the Surplus lands. The State submits that for purposes of exercise of power under Section 154 (1) or 157A and 157B the valuation of such land is no criteria and in case the offending transfer violates the ceiling provision or falls within meaning of a prohibited transfer, vestment is a necessary outcome irrespective of the value of the land. Nevertheless the Committee may be reminded of this Hon'ble Court's Order dated 30.7.2018 wherein while subjecting all other lands purchased by Golden Forest Companies to valuation and consequent sale by the Income Tax Department, this Hon'ble Court consciously exempted the surplus lands already vested in the State from such valuation. The committee may be reminded that this Hon'ble Court has already formed a prima facie view as spelt out in the Order dated 30.7.2018 that surplus lands vested in the state cannot be sold and put to auction. As such the question of valuation sought to be raised by the Committee is a non issue.

IV. Additional Submissions by the State of Uttarakhand:-

20. It is submitted that in case the Adjudicating Authorities find that the Golden Forest Companies have violated the law, the lands would stand vested in the state by operation of law. In case the purchase of land by these GFIL Companies was void in terms of Section 166 of the Act, necessary consequences of vestment would follow and as such the Committee cannot urge that just because it is acting in the interest of investors, any purchase of such land by GFIL which was then void is now valid. Such a submission is per se untenable.

21. It is further submitted that the Committee would get in legacy what GFIL could legally own. The Committee cannot have better title of lands than that which GFIL Companies had. GFIL did not get to own the lands which would vest in the State and the Committee which has stepped into the shoes of GFIL cannot stand to claim title / ownership better than what GFIL did.

As such in case lands over which GFIL had no title being declared surplus, there is no question that the Committee could claim any right thereto for any purpose.

22. It is correct that the Committee is acting to safeguard interests of GFIL investors which number about 13 Lakh private individuals. The State on the other hand 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 when compared to investors who wagered their money on speculation and profiteering.

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 as opposed to protecting interest of some 13 lakh speculating investors.

23. It is further submitted that pending adjudication of the cases pending before the adjudicating authorities, there was no embargo from any body, authority or court as to these lands being retained by the State Govt. in safe custody. The Committee cannot claim equity on this score. The law equally applies to the Committee as it applied to the Golden Forest Companies and equally the State Government.

24. I say that the application of the Committee seeking orders from this Hon'ble Court with regard to lands yet to be declared surplus and yet to be vested in the State is clearly misconceived. The application of the Committee is not in public interest of an overwhelmingly majority of the common man and hence needs to be dismissed summarily.

25. Subject to what has been stated above, each and every averments of the Committee in its application under reply may be taken to have been specifically traversed parawise and denied in their entirety in reference to context and nothing may be taken to have been admitted for want of a mere denial to the same.
26. That no additional facts or grounds have been raised in this reply/affidavit by the deponent, which were not pleaded before the Courts below.
27. That the facts stated in the above affidavit are based on the information derived from the official record and as such are true and correct as per my knowledge. No part of the same is false and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION:-

Verified at Dehradun on this the 06th day of January, 2020 that the contents of above affidavit are based on the information derived from the official record and as such true and correct as per my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

Through:

(Jatinder Kumar Bhatia)

Advocate

B-10, Dhawandeep Apartments

6, Jantar Mantar Road

Connaught Place

New Delhi-110001

Phone: 011-23741526

9/c

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IA No. 145178 of 2019

In

Writ Petition (civil) No. 188 of 2004

In the Matter of :

M/S RAIGANJ CONSUMER FORUM

.... Petitioner

Versus

UNION OF INDIA & ORS.

.... Respondents

I N D E X

S. No.	Particulars	Page(s)
1.	Rejoinder to the reply filed by the State Uttarakhand	1 - 4
2	Affidavit in support	5
3	Annexure A-1 English Translation of order dated 21.10.2014 passed by Chairman, Board of Revenue, Uttarakhand	6 - 19

Filed on:

Filed by:

(SURUCHI AGGARWAL)

Advocate for the Applicant-Committee

1

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IA No.145178 of 2019

In

Writ Petition (civil) No. 188 of 2004

In the Matter of :

M/S RAIGANJ CONSUMER FORUM

.... Petitioner

Versus

UNION OF INDIA & ORS.

.... Respondents

REJOINDER TO THE REPLY AFFIDAVIT FILED
BY STATE OF UTTARAKHAND

RESPECTFULLY SHOWETH

1. That the Committee has perused the reply-affidavit in which State has put forward various submissions however the reply is confined only to two – three points which committee finds its necessary to rebut.
2. That the State Government 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.

3. That the State of Uttarakhand has, pending adjudication and on its own, allocated entire land of 486.352 Hectares belonging to a Golden Forest Group Companies by appointing State Government, Semi Government and similar institutions as custodians to oversee that no encroachment takes place.

This act of State Government is wholly illegal and without jurisdiction as the Board of Revenue Uttarakhand vide its order dated 21.10.2014 set aside the earlier orders passed by SDM/Collector in 1997 by which the lands of Golden Forest Companies were declared surplus and transferred the matters to District Magistrate, Dehradun for fresh decision who has further transferred the matters to Additional District Magistrate (F&R) Dehradun. Since the matters are pending decision, and orders passed by SDM/Collector declaring land as surplus stands set aside, there is no order of Surplus land as of today. English translation of order dated 21.10.2014 passed by Board of Revenue Uttarakhand is annexed as **ANNEXURE A-1.** (Pg — to Pg —)

It is highly suspicious that the State Government has encroached upon the lands of Golden Forest Group in the circumstances that the matter has not yet got finality and it is only misleading and false to plead that the lands have been allocated to Government Department to oversee that no encroachment takes place.

It may also be noticed that affidavit does not disclose the dates of allocation of lands to different departments as mentioned in

para 15, therefore the State may be asked to provide documentary evidence with regard to such allocation and the same be reverted to Golden Forest Group Companies under the custody of Committee-GFIL (Appointed by Supreme Court).

4. That it is incorrect to say that the Committee cannot seek relief directly from this Hon'ble Court. In this regards it is submitted that the surplus land matters were initiated in August 1997 and have not yet got finality. The poor investors have been forced to wait for over two decades. The delay in surplus land matters in the States of Uttarakhand and Punjab got attention of the Hon'ble Court and the court observed that these matter need be decided expeditiously to protect the interest of lacs of investors and passed order dated 7.8.2019. The State is only trying to derail the matter as the lands are already under its possession and further allocated to its various Departments without any authority. It is therefore the State which wants the matters be tried at ADM level and not by this court without any plausible explanation.
5. That the State is misleading the Hon'ble Court by saying the judgement dated 18.9.2012 passed in Civil Appeal no. 6621 of 2012 is misplaced in the absence of mandatory permission

obtained from Collectors. It is submitted that the permissions are only required under section 154 (3), (4) & (5) and not in section 154 (1), whereas the judgement is on section 154 (1) by which clarification has been made on expression 'Person' to be a 'Natural Person'. More over the amendment came in 2004 with prospective effect whereas Golden Forest companies purchased lands during 1995 - 1997 which are much prior to the amendment made in 2004. Therefore the judgement dated 18.9.2012 passed in Civil Appeal no. 6621 of 2012 is fully applicable to present case.

6. Therefore, keeping in view of the above it is prayed that the reply filed by State of Uttarakhand may please be dismissed as the same is devoid of merit

New Delhi
Date:

Suruchii Aggarwal
Advocate
Counsel for Applicant- Committee – GFIL
(Appointed by Hon'ble Supreme Court of India)

5

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IA No.145178 of 2019

In

Writ Petition (civil) No. 188 of 2004

In the Matter of :

M/S RAIGANJ CONSUMER FORUM

.... Petitioner

Versus

UNION OF INDIA & ORS.

.... Respondents

AFFIDAVIT

I, Shri Brij Mohan Bedi, S/o Shri Sadhu Ram Bedi, aged about 69 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 rejoinder to the reply filed by State of Uttarakhand which has been prepared under my instructions.
3. That the contents of the accompanying rejoinder 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.

hms
DEPONENT

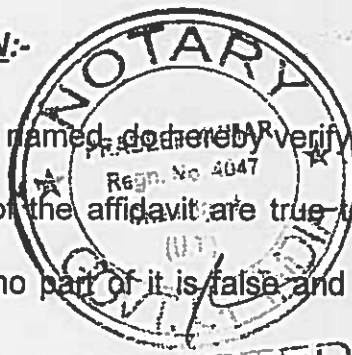
VERIFICATION:-

I, the deponent above named, do hereby verify and state that the contents of paragraph 1 to 3 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 6th day of February, 2020.

6 FEB 2020

hms
Deponent



ATTESTED
PRADEEP KUMAR
Notary, Chandigarh

at S. No. 6/21-2020
The contents of the affidavit are true to the best of my knowledge and are derived from the records of the case. The deponent has signed the Register.

(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

O R D E R

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 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 Id. 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/

Parganadzhikari, 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/Pachhwadoon 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 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



ATTESTED
To Be True Translation
From *Hindi* Into English
NOTARY CHANDIGARH

7/2/2020

0/C

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IA No. 145178 of 2019

In

Writ Petition (civil) No. 188 of 2004

In the Matter of :

M/S RAIGANJ CONSUMER FORUM

..Petitioner

Versus

UNION OF INDIA & ORS.

..Respondents

INDEX

S. No.	Particulars	Page(s)
1.	Proposed issues in the matter of Uttarakhand surplus lands	1 - 4
2.	Annexure A-1 Copy of order dated 21.8.1997 passed by SDM (Sadar)	5
3.	Annexure A-2 List of 67 Golden Forest Group companies that purchased lands	6
4.	Annexure A-3 Valuation chart by State of Uttarakhand	7
5.	Annexure A-4 Copy of Supreme Court order dated 18.9.2012	8-13
6.	Annexure A-5 Copy of allotment letter issued by RBI regarding Industrial Classification 05	14-15

Filed on:

Filed by:

(SURUCHII AGGARWAL)
Advocate for the Applicant-Committee - GFIL

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IA No. 145178 of 2019

In

Writ Petition (civil) No. 188 of 2004

In the Matter of :

M/S RAIGANJ CONSUMER FORUM

.... Petitioner

Versus

UNION OF INDIA & ORS.

.... Respondents

PROPOSED ISSUES IN THE MATTER OF
UTTARAKHAND SURPLUS LANDS

RESPECTFULLY SHOWETH

1. Vide order dated 25.9.2019 the Hon'ble Court directed the counsel for the parties to cull out the issues involved in the matter and submit proposed issues.
2. The Committee proposes the following issues which require attention of the Hon'ble Court:
 - a) Whether the proceedings under section 154(1) of UP Zamindari Abolition and Land Reform Act 1950, (in short UP ZA & LR Act) can be initiated on the oral direction given by District Magistrate?

Copy of order dated 21.8.1997 passed by SDM (Sadar) Dehradun on the oral direction given by District Magistrate is annexed as ANNEXURE A-1.

- b) Whether the investors with whose money the company purchased the lands be deprived of their rights by the state by taking away properties of the companies?

The investor was described as "Unit Holder". The money was invested by investors as Security for Development and Maintenance of the particular unit of lands.

- c) Whether each company of Golden Forest group incorporated under companies act is a separate entity for the purpose of UP ZA & LR Act?

- d) Whether lands purchased by 67 companies of Golden Forest group could be clubbed in one company for deciding permissible area and deny the right of holding permissible area of other companies?

A list of 67 golden forest companies is annexed as **ANNEXURE A-2.**

- e) Whether a company incorporated under Companies Act, is separate legal entity could be clubbed with other companies for the purpose of deciding permissible area under UP ZA & LR Act?

- f) Whether the state can adopt two different formulas i.e. one evaluating the value of land and treating it as non agriculture while other treating it as agriculture land while deciding permissible area?

The Revenue Secretary has given an affidavit under the orders of the Hon'ble Court passed in IA no. 36379 of 2018 filed by the Committee. Copy of the chart annexed with the affidavit showing value of the land to be Rs. 2700 crore as non agricultural land is annexed as **ANNEXURE A-3.**

- g) Whether the state can permit a company to purchase the land in excess of permissible area and later declare the same to be surplus being beyond permissible area?
- h) Whether Section 154 (1) of UP ZA & LR Act is applicable to 'Artificial Person'?

The Act only covers "Natural Person" for the purpose of section 154(1). Section 154 reads as under:

"Section 154. Restriction on transfer by a bhumidhar.-

(1) Save as provided in sub-section (2), no bhumidhar shall have the right to transfer by sale or gift, any land other than tea gardens to any person where the transferee shall, as a result of such sale or gift, become entitled to land which together with land, if any, held by his family will in the aggregate, exceed 5.0586 hectares (12.50 acres) in Uttar Pradesh.

(2) Subject to the provisions of any other law relating to the land tenures for the time being in force, the State Government may, by general or special order, authorise transfer in excess of the limit prescribed in sub-section (1) if it is of the opinion that such transfer is in favour of a registered co-operative society or an institution established for a charitable purpose, which does not have land sufficient for its need or that the transfer is in the interest of general public.

Explanation.- For the purposes of this section, the expression 'family' shall mean the transferee, his or her wife or husband (as the case may be) and minor children, and where the transferee is a minor also his or her parents."

i) Whether Section 154(1) of UP ZA & LR Act is applicable to the company being 'Artificial Person'?

j) Whether the judgment dated 18.09.2012 passed by this Hon'ble Court in the matter of Civil Appeal No. 6621 of 2012 (arising out of SLP (Civil) No. 19661 of 2009) is fully applicable to case in hand?

Copy of order dated 18.9.2012 is annexed as **ANNEXURE A-4**.

k) Whether the UP ZA & LR Act is applicable to the Agro Forestry concern?

M/S Golden Forests (India) Limited was allotted Industrial Classification Code "05" by Reserve Bank of India for carrying on business of Agro Forestry. Copy of the allotment letter issued in July 1989 by Reserve Bank of India to the company M/s Golden forest (India) limited is annexed as **ANNEXURE A-5**.

3. It is prayed that the issues mentioned above may please be taken on record.

New Delhi
Date:

Suruchii Aggarwal
Advocate
Counsel for Applicant- Committee – GFIL
(Appointed by Hon'ble Supreme Court of India)

Date: - 21.8.1997

ORDER

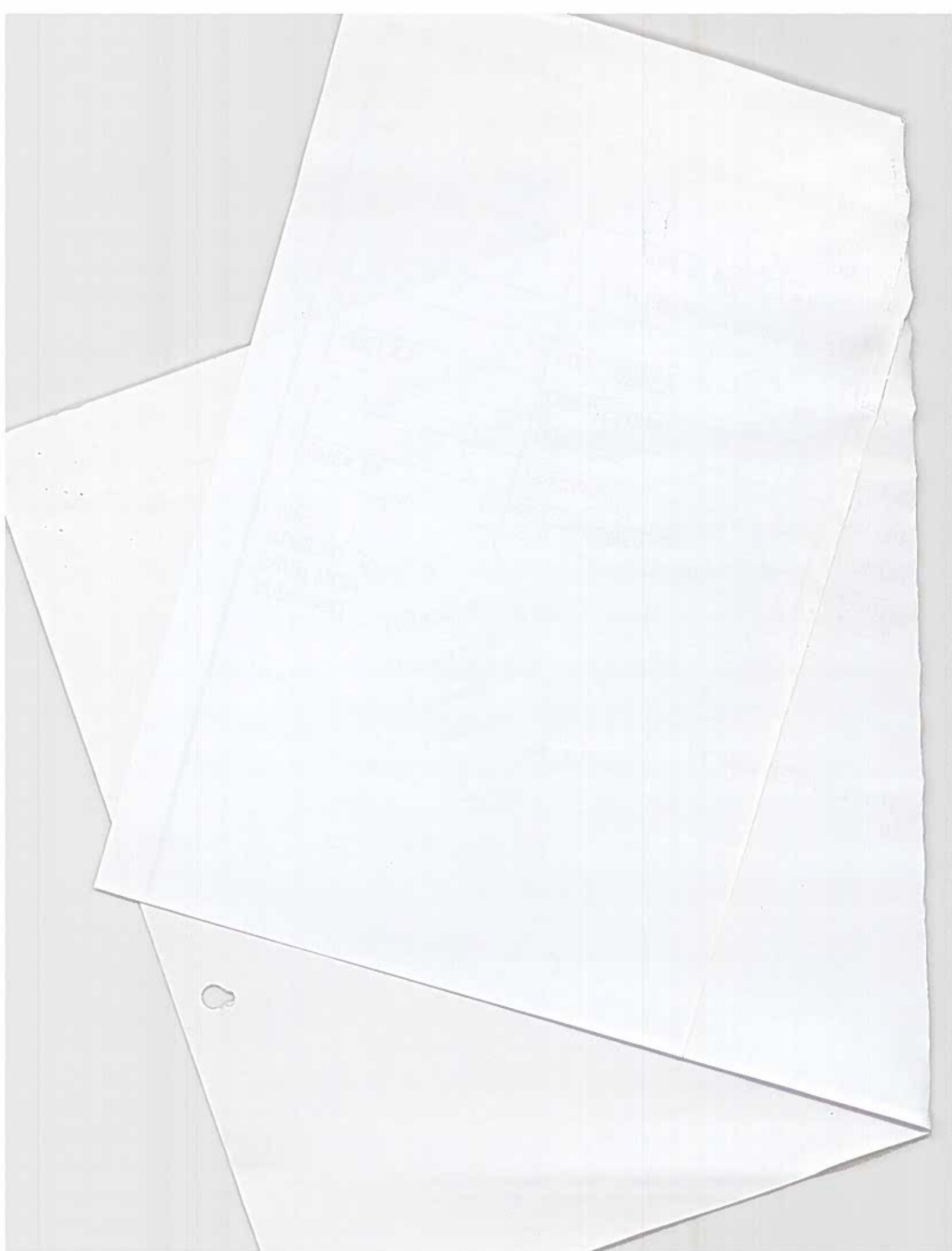
File presented.

Rajiv Dutta has, in violation of Section 154 of U.P. ZA and LR Act, purchased lands in the name of the company M/s Golden Forest (India) Limited. District Magistrate has orally ordered that the matter is very serious in nature and allegation is prime facie effective. Therefore it would be appropriate to vest lands in the state. Order passed which is enclosed with file.

SDM (Sadar)
Dehradun

Lands of GFIL Group in Uttarakhand
(As per record of the Committee)

SR.	NAME OF THE COMPANY	SR.	NAME OF THE COMPANY
1	Kama Estate Pvt. Ltd.	36	Gorala Security Services Pvt. Ltd.
2	Casa Property Pvt. Ltd.	37	Gunjan Fincap Pvt. Ltd.
3	Dama Construction Pvt. Ltd.	38	Hara Properties Pvt. Ltd.
4	Damos Investments Pvt. Ltd.	39	Harsa Construction Pvt. Ltd.
5	Damya Property Pvt. Ltd.	40	Himachal Countries Resorts Ltd.
6	Daya Impex Pvt. Ltd.	41	IJYA Fincap Pvt. Ltd.
7	Dhanya Builders Pvt. Ltd.	42	INAN Fincap Pvt. Ltd.
8	Disa Marketing Pvt. Ltd.	43	Ira Marketing Pvt. Ltd.
9	Disti Estate Pvt. Ltd.	44	IRYA Fincap Pvt. Ltd.
10	Dular Property Pvt. Ltd.	45	ISIR Construction Pvt. Ltd.
11	Eila Security Services Pvt. Ltd.	46	Jagad Property Pvt. Ltd.
12	Eka Fincap Pvt. Ltd.	47	Jaitra Property Pvt. Ltd.
13	Ekala Estate Pvt. Ltd.	48	Jala Fincap Pvt. Ltd.
14	Ena Fincap Pvt. Ltd.	49	Jhati Property Pvt. Ltd.
15	Esa Hotel Pvt. Ltd.	50	Jitya Construction Pvt. Ltd.
16	Gabula Property Pvt. Ltd.	51	Jiya Property Pvt. Ltd.
17	Gaja Builders Pvt. Ltd.	52	Jyota Fincap Pvt. Ltd.
18	Gandha Fincap Pvt. Ltd.	53	Kalpa Construction Pvt. Ltd.
19	Gaura Construction Ltd.	54	Kansa Construction Pvt. Ltd.
20	Golden Agro Based Industrial Co. Ltd.	55	Kanya Properties Pvt. Ltd.
21	Golden Agro Forestry Ltd.	56	Kapi Properties Pvt. Ltd.
22	Golden Ashiana Makers Ltd.	57	Kaberi Fin (P) Ltd.
23	Golden Fin Cab Services Ltd.	58	King Fincap Pvt. Ltd.
24	Golden Communication Ltd.	59	Padmapura Construction Pvt. Ltd.
25	Golden Contractors Ltd.	60	Panda Builders Pvt. Ltd.
26	Golden Distributors Ltd.	61	Panesa Property Pvt. Ltd.
27	Golden Forests (India) Ltd. ✓	62	Sonalika Builders Pvt. Ltd.
28	Golden Handloom Ltd.	63	Soven Real Estate Pvt. Ltd.
29	Golden Health Care Ltd.	64	Sunset Construction Pvt. Ltd.
30	Golden Knitfab Ltd.	65	Ujjala Finlease Pvt. Ltd.
31	Golden Lease Finance Ltd.	66	Vara Estate Pvt. Ltd.
32	Golden Projects Ltd. ✓	67	Indian Overseas Peace Foundation
33	Golden Tourist Resorts and Developer Ltd.		
34	Golden Waves Advertising Ltd.		
35	Goman Marketing Pvt. Ltd.		



REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6621 OF 2012

(arising out of S.L.P. (Civil) No. 19661 of 2009)

STATE OF UTTARAKHAND & ORS.

Appellant (s)

VERSUS

GURU RAM DAS EDUCATIONAL TRUST SOCIETY

Respondent(s)

J U D G M E N T

R.M. Lodha, J.

We have heard Ms. Rachana Srivastava, learned counsel for the petitioners, and Mr. Shanti Bhushan, learned senior counsel for the respondent.

2. Delay condoned.
3. Leave granted.
4. The controversy in this Appeal, by special leave, is in respect of land admeasuring 1.626 hectares situate in village Chalang, Dehradun out of 6.785 hectares which was transferred by the Bhumidhar to respondent, Guru Ram Das Educational Trust Society in 1992. A notice under Sections 166 and 167 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 (for short, '1950 Act') was issued by the Assistant Collector First Class/Sub Divisional

Magistrate, Dehradun to the respondent to show cause why the said land should not be entered into the revenue records in the name of the State Government and possession of the same be taken forcibly as the transfer in its favour was void. In response to the notice, the respondent filed its objections and set up diverse grounds. One of the objections raised by the respondent was that there was no prohibition under Section 154 of the 1950 Act on transfer by way of sale to a charitable trust for charitable purpose.

5. The Assistant Collector overruled the objections and, by his order dated January 27, 2006, came to the conclusion that the respondent held 1.626 hectares in excess of the permissible limit and declared that the excess land admeasuring 1.626 hectares shall vest in the State Government.

6. Against the order of the Assistant Collector, the respondent filed a revision application before the Commissioner, Garhwal Division. The revisional authority dismissed the revision application preferred by the respondent Trust.

7. Not satisfied with the orders of the Assistant Collector and Commissioner, the respondent challenged these orders in a Writ Petition before the High Court of Uttarakhand. The single Judge of the High Court allowed

the Writ Petition principally on the ground that the subject land was being used for non agricultural purpose for more than ten years and declaration under Section 143 of the 1950 Act was not necessary. He further held that the provisions of Section 154 were not applicable and, accordingly, quashed and set aside the orders of the Commissioner and Assistant Collector. It is against this order that the State of Uttaranchal (Now, Uttarakhand) and its functionaries have come up in appeal by special leave.

8. Section 154 of the 1950 Act, as it stood at the relevant time, read as under :-

"Section 154. Restriction on transfer by a bhumidhar.- (1) Save as provided in sub-section (2), no bhumidhar shall have the right to transfer by sale or gift, any land other than tea gardens to any person where the transferee shall, as a result of such sale or gift, become entitled to land which together with land, if any, held by his family will in the aggregate, exceed 5.0586 hectares (12.50 acres) in Uttar Pradesh.

(2) Subject to the provisions of any other law relating to the land tenures for the time being in force, the State Government may, by general or special order, authorise transfer in excess of the limit prescribed in sub-section (1) if it is of the opinion that such transfer is in favour of a registered co-operative society or an institution established for a charitable purpose, which does not have land sufficient for its need or that the transfer is in the interest of general public.

Explanation.- For the purposes of this section, the expression 'family' shall mean the transferee, his or her wife or husband (as the case may be) and minor children, and where the transferee is a minor also his or her parents."

11

9. The question before us is - Whether a charitable trust is covered by the expression 'any person' occurring in Section 154(1) of the 1950 Act?

10. It may be immediately noticed that the expression used in Section 154(1) is "...to any person where the transferee shall, as a result of such sale or gift, become entitled to land which together with land, if any, held by his family will in the aggregate, exceed 5.0586 hectares (12.50 acres) in Uttar Pradesh." (emphasis supplied). A close look at the above expression would show that the Legislature intended to cover only natural person. It is so because the words 'any person' are followed in the sentence by the words 'his family'. 'Family' is explained in the explanation appended to Section 154 which means the transferee, his or her wife or husband, as the case may be, and minor children and where transferee is a minor, his or her parents. This makes it clear that a legal person is not intended to be included in the expression 'any person'. The word 'person', in law, may include both a natural person and a legal person. Sometimes it is restricted to the former. Having regard to the text of Section 154(1) and also the scheme of that provision, there remains no doubt that the expression 'any person' refers to a natural

person and not an artificial person. This is fortified by the fact that in 1997 the Legislature inserted Explanation by U.P. Act No. 20 of 1997 declaring that in sub-section (1) the expression 'person' shall include and be deemed to have been included on June 15, 1976 a 'Co-operative Society'. Had the expression 'person' included artificial person, no explanation was necessary. Since the expression 'person' in Section 154 did not include legal or artificial person, the Legislature brought in Co-operative Society by way of an Explanation. The Explanation came to be added in 1997 in a declaratory form to retrospectively bring 'Co-operative Society' within the meaning of expression 'any person'.

11. Accordingly, we hold, as it must be held, that a 'charitable institution' is not included within the meaning of the expression 'any person' occurring in Section 154 of the 1950 Act and, therefore, the Assistant Collector was not justified in issuing notice to the respondent under Sections 166 and 167 of the 1950 Act.

12. Though we are not in agreement with the reasoning of the High Court fully, but in view of what we have indicated above, no interference is called for in the impugned order.

13. Appeal is, accordingly, dismissed. No order as to costs.

.....J.
(R.M. LODHA)

NEW DELHI;
SEPTEMBER 18, 2012

.....J.
(ANIL R. DAVE)

RESERVE BANK OF INDIA
DEPARTMENT OF FINANCIAL COMPANIES
NEW DELHI

14

DPC. No. /DH (C) LC (G.-1C)/88-89

Date..... July 89

The Managing Director,
Golden Forests (India) Ltd.,
S.C.O. 848 Shivalik Market,
Manimajra, CHANDIGARH.

Dear Sir,

Industrial Classification

Please refer to the balance sheet of your company as at 31.3.1988. In this connection, we advise that in view of the composition of assets and the pattern of income distribution is observed in the aforesaid balance sheet, your company has been re classified as a 'Non - Financial Company' and is allotted Industrial Classification Code No. 05 by the department of company affair .

2. Under the circumstances you are advised to submit annual return as required under Rule No. 10 of the Companies (Acceptance of Deposits) Rules, 1975 to the concerned Registrar of Companies. A copy of the said return should in variably be furnished to the Joint Chief Officer, Department of Financial Companies, Central Office Cell, C/o Secretary's Department, Reserve Bank of India, New Central Office building, Bombay - 400023.

3. However, if there is any change in future in the activity of the company from the present 'Non - Financial' to ' Financial' one, you may please report the same to the Record Book of India and to the Department of Company affairs, New Delhi.

Yours faithfully,

(ARNAE ROY)
for Deputy Chief Officer

Industrial Classification of Joint Stock Companies (1988).

Group

Description

SECTION 0

AGRICULTURAL UNITING FORESTRY AND FISHING

DIVISION 00 : AGRICULTURAL PRODUCTIONS

DIVISION 01 : PLANTATION

- 010: Plantation of tea
- 011: Plantation of coffee
- 012: Plantation of rubber
- 013: Plantation of tobacco
- 014: Plantation of pepper and cardamom
- 015: Plantation of coconut and ground nut
- 016: Plantation of edible nuts (excluding
coconuts and groundnut)
- 017 : Growing of fruits
- 018 : Growing of ganja, cinchona and opium etc.
- 019 : Not else where classified.

DIVISION 00 : LIVE STOCK

- 020 : Cattle breeding, rearing.
- 022 : Rearing of sheep and production of
Shora wool
- 025 : Rearing of ducks, hens and other birds.
- 026 : Rearing of bees, production of honey and
wax.
- 027 : Rearing of silk worm, production of
Cocoons and raw silk.
- 029 : Rearing of live stock and production of
Live stock products, not else where
Classified.

DIVISION 03 : AGRICULTURAL SERVICES

DIVISION 04 : HUNTING TRAPPING

DIVISION 05 : FORESTRY AND LOGGING

DIVISION 06 : FISHING (INCLUDING COLLECTION OF SEA
PRODUCTS)

To,
The Registrar,
Hon'ble Supreme Court of India,
New Delhi,

I.A. No. _____ of 2020

IN

W.P. (C) NO.188 OF 2004

titled

M/s Raiganj Consumer Forum Versus Union of India & Ors.

APPLICATION FOR URGENCY

Sir,

1. This Writ petition is pending before this Hon'ble Court wherein on submission made by Counsel for the Supreme Court Monitoring Committee in the hearing on 14.1.2020, that the Uttarakhand Authorities be restrained from taking up proceedings with regard to Land Ceiling, this Hon'ble Court was pleased to record the submission of the undersigned as Counsel for the State of Uttarakhand that no final orders would be passed without the permission of this Court. Relevant extract of the order dated 14.1.2020 is extracted herein below:

" 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.

This is sufficient to take care of the grievance raised by Ms. Suruchii Aggarwal, learned counsel appearing on behalf of the Committee."

2. That it is submitted that the Collectors in the State of Uttarakhand, before whom vestment proceedings were pending, have since completed the land ceiling proceedings and the matters are now ripe for passing the final orders.

3. That since, this Hon'ble Court in above order dated 14.01.2020 had recorded the undertaking of the State that no final order would be passed without permission of this Hon'ble Court hence by way of the instant application the State of Uttarakhand (Applicant Respondent) is now seeking the necessary permission to pass the final orders accordingly.

4. That bearing in mind the current circumstances in the instant Application the following are the grounds of urgency :-

GROUND OF URGENCY

- a) That there are huge expanses of several lands which have been sold by bhumidars to Golden Forest Companies in violation of the Land Ceiling provisions of the U.P. Zamindari

and Land Reforms Act as applicable to the State of Uttarakhand which lands stand vested in the State Govt. by operation of law, for which Vestment Orders are scheduled to be passed under the said Act in the pending vestment proceedings.

- b) That since, this Hon'ble Court in above order dated 14.01.2020 had recorded the undertaking of the State that no final order would be passed without permission of this Hon'ble Court in the pending vestment proceedings, hence despite completion of all proceedings, final orders have been withheld from being pronounced and permission for passing of the same is being sought in the instant application.
- c) That should the present application be delayed from being heard, in the absence of formal permission to pass final orders, valuable lands would continue languish without being put to proper use for which public interest would suffer. The State Govt. has already put plans in place for the lands to be used for several development activities in the State in public interest and hence the need for permission to pass final orders in the vestment proceedings.
- d) In the facts and circumstances the Petitioner is praying that the present application be listed and heard urgently on any day next week failing which the State would suffer irreparable loss and injury.

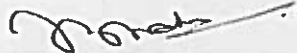
5. It is further prayed that exemption from filing a duly affirmed affidavit be allowed. I undertake that physical copies and of the documents relied upon in the petition, deficit court fee or other charges, if any, shall be filed at the earliest.

6. I, hereby, consent that the present matter may be taken up through a video conferencing mode. That the same may be linked through my own/arguing counsel's desktop/Laptop/Mobile device, as available.

7. I hereby authorise Mr. Jatinder Kumar Sethi, Dy. Advocate General for the State of Uttarakhand to argue the matter on my behalf. The Contact details of Mr. Jatinder Kumar Sethi, Advocate are :-

Mobile: 9811040353 Email: jksethi@sethiandcompany.in
Address: 29/803, Eastend Apartments, Mayur Vihar Ph-1 Extn, Delhi

Yours Faithfully



[JATINDER KUMAR BHATIA]

Advocate for the Applicant (Code:1364)

Mobile No. 9810043113 Email: delhibhatia@gmail.com

Address: B-10, Dhawandeep Apartment

6, Jantar Mantar Road, Delhi-110001

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

I.A. No. 42473 of 2020

IN

WRIT PETITION (C) NO. 188 OF 2004

IN THE MATTER OF:

M/s. Raiganj Consumer Forum

....Petitioner(s)

Versus

Union of India & Ors

....Respondent(s)

**APPLICATION SEEKING PERMISSION TO PLACE ON
RECORD ADDITIONAL DOCUMENTS**

WITH

I.A. No. _____ of 2020:

Application for exemption from filing
official translation

PAPER BOOK

(FOR INDEX PLEASE SEE INSIDE)

VOLUME - I

ADVOCATE FOR THE RESPONDENT: [JATINDER KUMAR BHATIA]

RECORD OF PROCEEDING

S.NO.	DATES OF PROCEEDING	PAGE NO.
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

INDEX

SI. NO	PARTICULARS	PAGES
1	Application seeking permission to place on record Additional Documents	1 - 8
2	<u>Annexure R-1</u> True translated copy of order dated 21.08.1997 passed by Addl. Collector in Case No. 34 of 1996-1997	9 - 32
3	<u>Annexure R-2</u> True translated copy of order dated 21.08.1997 passed by Addl. Collector in Case No. 35 of 1996-1997	33 - 54
4	<u>Annexure R-3</u> True translated copy of order dated 21.08.1997 passed by Addl. Collector in Case No. 36 of 1996-1997	55 - 125
5	<u>Annexure R-4</u> True translated copy of order dated 21.08.1997 passed by Addl. Collector in Case No. 39 of 1996-1997	126 - 134
6	<u>Annexure R-5</u> True translated copy of order dated 21.08.1997 passed by Addl. Collector in Case No. 30 of 1996-1997	135 - 146
7	<u>Annexure R-6</u> True translated copy of order dated 21.08.1997 passed by Addl. Collector in Case No. 33 of 1996-1997	147 - 155
8	<u>Annexure R-7</u> True translated copy of order dated 28.08.1997 passed by Addl. Collector in Case No. 7 of 1996-1997	156 - 157
9	<u>Annexure R-8</u> True translated copy of order dated 02.06.2003 passed by Addl. Collector, Vikas Nagar.	158 - 266

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

I.A. No. of 2020

IN

WRIT PETITION (C) NO. 188 OF 2004

IN THE MATTER OF:

M/s. Raiganj Consumer Forum Petitioner(s)

Versus

Union of India & Ors Respondent(s)

**APPLICATION SEEKING PERMISSION TO
PLACE ON RECORD ADDITIONAL DOCUMENTS**

To,

The Hon'ble the Chief Justice of India and his
Companion Judges of the Hon'ble Supreme
Court of India.

The humble application of the petitioner
abovenamed.

MOST RESPECTFULLY SHOWETH:

1. That the committee appointed by this Hon'ble Court had filed an application for directions regarding surplus land of Golden Forest situated in Uttarakhand. The answering respondent State of Uttarakhand has filed

reply to the above application of the above committee, all the facts and contentions have been set out in detail therein, for the sake of brevity and to avoid repetition, the answering respondent is not repeating the same. The answering respondent craves indulgence of this Hon'ble Court to refer and to rely upon the same at the time of hearing of this application.

2. That the answering respondent craves leave from this Hon'ble Court to place on record following additional documents which are necessary and essential for adjudication of the case and to prove the claim of answering respondent on the lands of Golden Forest Company situated in Uttarakhand. These documents are annexed and marked as under:-

(1) True translated copy of order dated 21.08.1997 passed by Addl. Collector in Case No. 34 of 1996-1997 is annexed herewith and marked as **ANNEXURE R-1**
(Pg. Nos. 9 to 32)

- (2) True translated copy of order dated 21.08.1997 passed by Addl. Collector in Case No. 35 of 1996-1997 is annexed herewith and marked as **ANNEXURE R-2** (Pg. Nos. 33 to 54)
- (3) True translated copy of order dated 21.08.1997 passed by Addl. Collector in Case No. 36 of 1996-1997 is annexed herewith and marked as **ANNEXURE R-3** (Pg. Nos. 55 to 125)
- (4) True translated copy of order dated 21.08.1997 passed by Addl. Collector in Case No. 39 of 1996-1997 is annexed herewith and marked as **ANNEXURE R-4** (Pg. Nos. 126 to 134)
- (5) True translated copy of order dated 21.08.1997 passed by Addl. Collector in Case No. 30 of 1996-1997 is annexed herewith and marked as **ANNEXURE R-5** (Pg. Nos. 135 to 146)
- (6) True translated copy of order dated 21.08.1997 passed by Addl. Collector in

Case No. 33 of 1996-1997 is annexed herewith and marked as **ANNEXURE R-6** (Pg. Nos. 147 to 155)

(7) True translated copy of order dated 28.08.1997 passed by Addl. Collector in Case No. 7 of 1996-1997 is annexed herewith and marked as **ANNEXURE R-7** (Pg. Nos. 156 to 157)

(8) True translated copy of order dated 02.06.2003 passed by Addl. Collector, Vikas Nagar is annexed herewith and marked as **ANNEXURE R-8** (Pg. Nos. 158 to 266)

(9) True translated copy of Chart showing 145 cases pending in lower court is annexed herewith and marked as **ANNEXURE R-9** (Pg. Nos. 267 to 344)

(10) True translated copy of Chart showing 12 cases pending in lower court is annexed herewith and marked as **ANNEXURE R-10** (Pg. Nos. 345 to 361)

(11) True translated copy of detail of the allotted land of Vikas Nagar is annexed herewith and marked as **ANNEXURE R-11** (Pg. Nos. 362 to 367)

(12) True translated copy of judgment dated 21.08.1992 passed by Addl. Collector, Dehradun in Case No. 37 of 1996-97 is annexed herewith and marked as **ANNEXURE R-12** (Pg. Nos. 368 to 397)

(13) True translated copy of Letter dated 04.08.2008 issued by Government of Uttarakhand is annexed herewith and marked as **ANNEXURE R-13** (Pg. Nos. 398 to 402)

(14) True translated copy of Letter dated 15.04.2014 issued by Government of Uttarakhand is annexed herewith and marked as **ANNEXURE R-14** (Pg. Nos. 403 to 408)

(15) True translated copy of Letter dated 19.04.2011 issued by Government of Uttarakhand is annexed herewith and

marked as **ANNEXURE R-15** (Pg. Nos. 409 to 412)

(16) True translated copy of Letter dated 14.07.2015 issued by Government of Uttarakhand is annexed herewith and marked as **ANNEXURE R-16** (Pg. Nos. 413 to 415)

(17) True translated copy of Letter dated 19.10.2015 issued by District Collector, is annexed herewith and marked as **ANNEXURE R-17** (Pg. Nos. 416 to 421)

(18) True translated copy of Letter dated 06.02.2018 issued by Secretary Incharge, Government of Uttarakhand is annexed herewith and marked as **ANNEXURE R-18** (Pg. Nos. 422 to 426)

(19) True translated copy of Letter dated 16.02.2018 issued by office of District Collector, Dehradun is annexed herewith and marked as **ANNEXURE R-19** (Pg. Nos. 427 to 432)

(20) True translated copy of Letter dated 12.03.2018 issued by Secretary Incharge, Government of Uttarakhand is annexed herewith and marked as **ANNEXURE R-20** (Pg. Nos. 433 to 438)

3. That it is submitted that above documents/ annexures are vital for the decision of the present petition hence, the same need to be taken on record in the interest of justice and proper adjudication of the issue involved in the present petition and no prejudice will be caused to the petitioner if these documents/ annexures are taken on record.

PRAYER

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

- (a) permit the answering respondent to place on record above additional documents marked as ANNEXURE R-1 to R-20;

(b) pass such other and further order(s) as this
Hon'ble Court may deem fit and proper in
the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER
AS IS DUTY BOUND SHALL EVER PRAY

FILED BY:

[JATINDER KUMAR BHATIA]

Advocate for the Rspondent(s)

Filed on :

8A

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. No. of 2020

In

..

Writ Petition (C) No. 188 of 2004

IN THE MATTER OF:

M/s. Raiganj Consumer Forum

...Petitioner(s)

Versus

Union of India & Ors.

...Respondent(s)

AFFIDAVIT

I, Sushil Kumar, aged about 56 years, S/o Shri Sat Prakash, presently posted as Secretary (In-Charge) Revenue, Uttarakhand do hereby solemnly affirm and state as under:

1. That the deponent is presently working in above capacity, fully conversant with the facts of the case as such is competent and authorized to swear this affidavit.
2. That I have read the accompanying application for taking on record additional documents and I.As & understood the contents thereof, the facts stated therein are based on information derived from official records as such same are true and correct as per my knowledge and belief.
3. That the Annexures accompanying are true and correct copies of their respective originals.

DEPONENT

VERIFICATION:

I, the above named deponent do hereby verify that the contents of above affidavit are based on information derived from the official record as such true and correct as per knowledge and belief of the deponent, no part of it is false and nothing material has been concealed therefrom.

Verified at Dehradun this the 15th day of February, 2020

DEPONENT

ANNEXURE R -1

COURT OF THE ASSTT. COLLECTOR 1ST CLASS/SUB
DIVISIONAL OFFICER, DEHRADUN

Case No. 34/96-97

U/S 166/167 of Z.A. Act

State

Vs.

Golden Forest India Ltd. through Sanjay Ghai s/o
Devaki Nandan Ghai.

Village Fatehpur & Ors. Pargana Pachhawadun

JUDGEMENT

Tehsildar Dehradun has mentioned in his Report dated 12.08.1997 that Shri Sanjay Ghai son of Devaki Nandan Ghai in the name of Golden Forest India Ltd., Indian Peace Foundation Trust Manimazara Chandigarh, Goldan Forest India Ltd., Golden Agro Forest Ltd., Goldan Forest Distributors which are related with Goldan Forest India Ltd. Company and are their associate companies has purchased Sankramaniya bhumidhari lands from different Khatedars and

have also been verified that on site they are in possession. The said sale purchase have been done by way of registered sale deeds. The Purchasers have purchased lands more than the ceiling prescribed under Section 154(1) of the Z.A. Act i.e. more than 12 ½ acres due to which the purchaser side has violated the provision under said section. Therefore, against the purchaser side proceeding under Sections 166/167 of Z.A. Act may be proceeded and the said land more than the ceiling be vested in the State Government. Alongwith his report the Tehsildar has also produced the detail and copies of Khatauni of said lands in question. But the lands in question have not been mutated in favour of the purchaser side and the said land even after sale have been continue recorded in the name of sellers. It has also been mentioned that the purchaser has purchased land in village Fatehpur admeasuring 13.772 Hect., in Misaras Patti admeasuring 1.364 Hect., in Vakarana admeasuring 0.914 Hect. in Mirzapur @ Dhalipur admeasuring 2.933 Hect. village Sa.Ha.Ta. admeasuring 5.711 Hect. in Patitpur Kalyanpur

0.048 Hect., Dhakarani 14.142 Hect. in Jassowala admeasuring 4.392 Hect., in village Khushahapur area 3.000 Hect. in Sheeshamwada admeasuring 13.136 Hect., in Danda Lakaund Mai Chak admeasuring 3.293 Hect., in Bhandariwala admeasuring 1.214 Hect., in Gujarami area 0.713 Hect., in Dandalkhaund Mai Chak admeasuring 0.185 Hect. in Simiyandh admeasuring 0.901 Hect., in Baderana Khurd admeasuring 0.286 Hect., in Yalkhar admesuring 1.713 Hect. in Lakhanwala Khas area 1.952 Hect. and 1.410Hect. lands i.e. total 71.984 Hect. by way of registered sale deed.

I have perused the evidences available on case record and the said report sent by the Tehsildar. The purchaser side by way of different sale deeds have purchased the lands of different Khatedars in different villages in the names of different companies/ Golden Forest. These lands are more than 12 ½ acres of land and have been much more than the limit prescribed under Section 154 of the Act. For purchase of this excess land the purchaser has not obtained any permission from the State Government. Therefore,

it is clear that the purchaser has violated the provision under Section 154 of the Z.A. Act. The purchaser side probably to save from the restrictions under aforesaid provisions willfully have not got the said lands purchased mutated. As a result therefore, even after sale of the land the lands are still continue to be recorded in the names of sellers in revenue record of the lands in question. From the aforesaid analysis it is clear that the purchaser has violated the provision under Section 154 of the Z.A. Act and it would be justified to institute proceeding u/s 166/167 of the Z.A. Act against him. Therefore, it would seems to be necessary to vest the remaining lands in favour of State Government after leaving the 12 ½ acres in favour of the purchaser out of the aforesaid land.

Therefore, out of the aforesaid total lands the Ind in Khasra No. 888/6 and 883/5 total area 3.662, Khasra No. 115 area 1.028 Hect. and Khasra No. 105 area 0.389 total area 5.059 Hect. situated in Mauza Se.Ho.Ta. Pargana Pachhawadun District Dehradun are being released in favour of the purchaser side (defendant side) the transfer

of remaining land is hereby declared to be null and void under Section 166 of the Z.A. Act it is ordered to vest the same in state government under Section 167 of Z.A. Act with immediate effect. Since the case in question is an urgent case and there is every possibility of these lands to be misappropriated. Therefore it would be justified to immediately vest these remaining lands in favour of the State Government.

ORDER

On the basis of aforesaid analysis the following lands of following villages which are recorded in the revenue record in different Khatedars (Sellers) and which have been purchased by Shri Sanjay Ghai in the names of said companies are hereby vested in favour of State Government with the immediate effect.

Village Name	Khasra No.	Rakba	
1	2	3	4
Village	480/5	0-214	Nirmal Singh etc.
Fathepur			

480/1	0-121	Jado Ram
655/2	0-409	Tukkar
587 Mtr.	0-154	Amit Kumar
661	0-530	Munni, Sumerchand
675 Mtr.	0-243	Jaidev
676 Mtr.	0-167	
733	0-053	Ramchander Singh
636	0-352	
635	0-057	
618	0-397	Mahesh Chand etc
701 Mtr	0-040	Banwari Lal
701 Mtr	0-065	
700 Mtr.	0-566	
700 Mtr.	0-486	
623	0-065	Lal Singh etc.

624/1	0-929	
619	0-607	Bhagwan Singh
620/2	0-061	
621	0-081	
667	0-430	Aashram
677	0-231	Sahoo
680/5	0-566	Balwant Singh
680/14	0-259	Hakamali etc
593/2	0-243	Bhagwan Singh etc.
296/3		
600/1		
700 Mtr.	0-409	Jeet Ram, Punu
708/5	2-326	Pullu etc.
680/2		
580/12		
686		
708		

	680/12	0-775	Punuram
	686		
	706	0-405	Laiu
	708/4		
	650/1	0-409	Rishipal
	694/3		
	694/		
	708/5		
		13-777	
Village-	2166	0-465	Puran Singh S/o
Bhisraspatti			Tilak Singh
	122 Kh	0-591	
	9/55	0-050	Sunder Singh S/o
			Mukandi
	1514	0-045	Sunder Singh S/o
			Mukandi
	1625	0-045	
	1643	0-008	
	1652	0-040	

1671 0-030

1685 0-040

1799 0-001

1842 0-012

1852 0-028

1853 0-009

1-364

Hect.

Village

560

0-040

Balbir Singh S/o

Bakaratta

Darshan ,

Ghanshyam S/o

Ataru

560 0-040

572 0-020

577 0-020

581 0-024

594 0-073

605 0-016

506 0-016

	607	0-170	
	128/863	0-105	
	533		Balbir Singh S/o Darshan , Ghanshyam S/o Ataru
	534		
	535	0-430	
	540		
	543		
	539		
	578		
	571		
		0-914	
Village Mirzapur Dhalipur	8/1	0-615	Mehardin
	8/2	0-615	Shavitri
	9/2	0-615	Shaludin
	10/1	0-295	Zahor etc.

	10/2	0-295	
	11/2	0-498	
		2-933	
Village	1337		Tarla Devi W/o
Se.He.Ta.			Dhoqrat Singh
	1338	0-559	
	105	0-083	Zamil, Majid &
			Furkan, Irwin
		0-641	
Villag Pratitpur	216	0-048	Shyam Singh
Kalyanpur			
Village Dhkarani	1849	0-154	Moharam Ali
	1853	0-619	Shamshad
	1851	1-117	Radheysham
	1876	1-833	Rajendre Prasad
	1850	0-308	Kamlesh
	1848	0-196	Moharam Ali
	20	1-272	Shabbira

4/1	0-202	Abdul Hasan
5/1	0-405	
31	1-437	Budhu, Pura, Ramdiya
68	0-542	Bahir Hasan etc.
462	0-186	Bahir Hasan etc.
463	0-882	Bahir Hasan etc.
18	0-200	Ranjeet Mohan
13	0-214	
17	0-040	
9	0-037	
52	0-045	Yashin, Titoo
103	0-016	
102	0-186	
48	0-761	Govind Rai
49	0-097	
50	0-198	
125	0-257	Sakur, Manjoor

	459	0-300	Ilamchand
	460	0-259	Ilamchand
	72	0-364	Krishan, Kailash etc.
	81	0-055	
	83	0-076	
	19	0-331	Sadhu
	351/154	0-385	Ganda, Rahmat
	510/173		
	14/2	0-948	Khatoon
	13	0-190	Indraj
	15	0-100	
		14-42	
Village	665/2	0-806	Jyotiram, Samay
Jassowala			Singh, Fateh
			Singh, S/o
			Suggan,
			Pushpadevi W/o
			Jaychand

	709	0-332	
	668	0-571	Tarachand S/o Ghasi, Malkhan S/o Badam
	672/2	0-122	Tarachand S/o Ghasi, Malkhan S/o Badam
Village Basowala	653	0-302	Mohd. Aziz S/o Jimudin
	689		
	698		
	713		
	714		
	678	0-551	Bhure Khan, Roshan S/o Johar Ali, Fairkan, Sulkam, Ajar S/o Alia Kapoor S/o Abdulla
	671	0-866	

	679/2	1-222	Kiran Devi W/o Jagdish of ½ part
	681/4	0-462 4-392 Hect	
Village Kushalpur	371/2		Anwarul Haq, Azizul Haq S/o Hashim Khan
	372		
	420	320	
	421		
	423		
	425		
	426		
	427		
	428		
	433		
Village Sishambada	153	13-136	Trilok Singh S/o Pratap Singh

14

174

185

188

189

192

193

195

196

197

Village Danda

35

0-024

Premwati W/o

Lakhoand

Chittar, Ramesh

Mathchak

Chand S/o

Digambar

36

0-093

59/1

0-798

62/1

0-267

63

0-186

64/1

0-397

	67	0-101	
	68/2	0-121	
	69/2	0-117	
	37	0-235	
	38	0-210	
	39	0-365	
	42/1	0-380	
		3-293	
		Hec	
Village	79 Kh	1-214	Govind, Bhanu,
Bhañdariwala			Pawankumar,
			Vijay Kumar S/o
			Bulakiram
Village Gujarmi	113 J	0-154	Trilok Chand,
			Dayanand,
			Gandedutt S/o
			Rangilal
	114 Tr	0-559	
		0-713	
Village Danda	105	0-097	Narayan Singh

Lakhuandmaych

S/o Hari Singh

ak

142

0-174

Bhanu Bushan,

Bharat Bushan

S/o Chandrkiran

238/2

0-004

Total Rakba 0-

672 in 2/15 Part

==== 0-088

Hect.

299

0-089

348

0-405

0-185

Hect.

Village Simiyan

3 M

0-474

Sohan Singh,

Shyam Singh,

Bindu @ Gobind

S/o Dolly

50/2

0-202

61/2

0-809

3 M

0-384

Of 1/3 Part and

0-286 === Total

Rakba 1-187

Hect.

Village Badrena

150

0-858

Tanku, Dolly,

Khurd

Hect.

Kalu S/o Kuccha

Village Khalyar

10K

Gayan Kishor,

Ram Kishor S/o

Ramswaroop

11

12

14

3-685 Hect. Of

1/6 Part === 0-

614 Hect.

15 Kh

22

28

29

30

32

33 K

Ramkishor

Sharma,

Gayankishor

Sharma S/o

Ramswaroop

34 Kh

35 Kh

36

37

1-939 Hect. Of $\frac{1}{4}$

Part == 0-485

Hect.

39

40

41

42

43

44

45

46

47

48

49

50

51

52

56

10 K

Jitender Sharma

S/o Tikaram

Sharma

11

12

14 Kh

15

3-685 Hect. Of

1/6 Part == 0-

614 Hect.

22

28

29

30

32

		1-713	
		Hect.	
Village	269/1 Mtr	0-364	Sunita Mehra W/o
Lakhanwala			Krishan Mehra
Khas			
	271/1	0-049	
	260	0-279	Vijay Laxmi W/o
			Ramesh Chandr
	282	0-099	Sunita Mehra W/o
			Krishan Mehra
	285	0-117	
	271 Mtr.	0-117	Sumitra Devi W/o
			Lachi Ram
	271 Mtr.	0-012	
	269 Mtr.	0-117	Chandrbhushan,
			Mukesh Kumar
			S/o Darshanlal
	271	0-012	
	282	0-199	Akhtar, Yashin
			S/o Fahmudin

275	0-587	Yashin, Siddat, Janyarakhtar S/o Fhimudin
278 Mtr.	0-220	Hakimudin, == S/o Saddik
284	0-069	C.L.Kapoor S/o Sardari Lal
285	0-162	
280	0-352	Sunita Mehra W/o Krishan Mehra
260	0-607	Vijay Laxmi W/o Ramesh Chand
	3-362	
	Hect.	

Accordingly Parwana for mutation be issued.
One copy of this order be forwarded to the
Collector, Dehradun with request that order under
Section 167(2) of Z.A. Act may be passed for
dispossession of the defendants from lands in
question and for recovery of possession in favour
of the State Government. Sd/- illegible

(Manvendre Singh)

Assistant Collector 1st Class / SDM

Dehradun

The judgment signed today dated 21.08.1997
and pronounced by me in open court.

Sd/- illegible

(Manvendre Singh)

Assistant Collector 1st Class / SDM

Dehradun

//True translated copy//

ANNEXURE R-2

COURT OF THE ASSISTANT COLLECTOR, FIRST
CLASS/ SUB DIVISIONAL OFFICER, DEHRADUN

Case No. 35/96-97

Section 166/167 of Z.A. Act.

State

Vs.

Arvind Kumar Vedi & Ors. M/s. Marketing
Company Pvt. Ltd. & Ors.

Village Danda Lakhaund Mayachak, Pargana
Parwadun/Central/Pachhawa

JUDGEMENT

Tehsildar while filing the Report has mentioned that Shri Arvind Kumar Vedi son of Madan Lal Vedi has purchased lands in different villages in the names of different companies which are related to the Golden Forest India Ltd. in complete violation of provision under Section 154(1) of Z.A. Act and is in possession on site. He has purchased lands more than the prescribed

limit from different Khatedars therefore, against the opposite party proceeding under Section 166/167 of Z.A. Act may be instituted, As per the detail mentioned In the list enclosed with the said report said Shri Arvind Kumar Vedi in the names of different companies has purchased lands in village Danda Lakhaund Man Chak admeasuring 2.676 Hect. in the name of M/s. Marketing Company Pvt. Ltd. and in village Danda Nooriwala an area of 0.849 Hect. and in village Danda Hatnala an area of 1.598 Hect. and in the name of I.S.I. R. Construction Company in village Danda Lakhaund Mai Chak an area of 0.038 Hect., in the name of I.S.I.R. Construction company in village Danda Khudanewala an area of 0.251 Hect., in village Bajhet an area of 0.344 Hect., in village Nangal Hatanala an area of 0.634 Hect., in village Bandawali an area of 0.753 Hect. and in the name of Goldan Forest Company in village Danda Lakhunda Maichak an area of 0.283 Hect., in the name of Goldan Health Care Company in village Danda Nooriwala an area of 1.465 Hect. in village Danda Lakhaund Mai Chak an area of 3.355 Hect., in village Kulhal Karanpur an area of 0.364 Hect.

In village Nagal Hatnala an area of 0.138 Hect., in the name of E.S.A. Hotel in village Danda Nooriwala an area of 0.409 Hect., in village Ghorankhan an area of 0.139 Hect., and in the name of Golden Forest Company and Is Marketing Pvt. Ltd. in village Danda Dhoran an area of 0.172 Hect., in village Gujrada Mansingh an area of 0.593 Hect. and in the name of Goldan Forest Resorts Tourist Company Ltd. in village Bandawali an area of 0.125 Hect., and in the name of Chandigarh Extension in village Fatehpur an area of 4.583 Hect. and in the name of Goldan Forest Company in village Chharva an area of 0.246 Hect., in Dhakrani an area of 2.108 Hect., in village Jassowala an area of 5.5197 Hect., in Khushalpur an area of 3.185 Hect., in Dhamolo an area of 0.286 Hect. total land admeasuring 43.275 Hect. has been purchased. The said land purchaser by way of registered sale deed has purchased from different bhumidhars. The Purchaser Side without permission from State Government has purchased the land more than 12 ½ acres due to which provision under Section 154(1) of the Z.A. Act has been violated.

Tehsildar alongwithhis said report has produced the list and copies of Khasra Khatauni of the said land purchased and has recommended for proceeding under section 166/167 of Z.A. Act against the purchaser side has been made.

I have perused the evidences available on case record and has minutely perused the report of the Tehsildar Dehradun. It becomes clear from the evidences available on case record that the purchaser side has purchased 43.275 Hect. lands in the name of different companies in different villages from different Khatedars which has been confirmed by the office of Registrar. As per the provision mentioned in Section 154(1) of the Z.A. Act any bhumidhar cannot purchase the land more than 12 ½ acres unless and until he has not obtained permission from government as per law but the purchaser side has not obtained any permission from government in this regard. Therefore the Purchaser has violated the provision under Section 154(1) of the Z.A. Act and the said land purchased more than the said prescribed limit automatically stand vested in State

Government free from all encumbrances from the date of purchase. Probably to save himself from the provision of this section has willfully not got the said lands mutated in their names and the said lands are still recorded in the names of those respective sellers which wrong and erroneous.

Out of the aforesaid total land admeasuring 43.275 Hect., it would be justified to leave total 5.0586 Hect. lands in the name of purchasers as per rule and to vest the remaining land in favour of State Government as per rule. Since the case in question is an urgent case and there is every probability of misappropriation in this therefore it seems to be necessary to vest this remaining land in favour of the State Government. Therefore the lands in village Laxmipur in Khasra No. 266, 267, 291 total area 0.226 Hect. and in village Jassowa in Khasra No. 645 area 0.292 Hect., Khasra No. 646 area 0.186 Hect., Khasra No. 704 area 0.233 Hect., Khasra No. 706 area 0.178 Hect., Khasra No. 707/1 area 0.002 Hect., Khasra No. 717/3 area 0.051 Hect. and Khasra No. 653 area 0.656 Hect., Khasra No. 686 area 0.077 Hect., Khasra

No. 698 area 0.781 Hect., Khasra No. 713 area 0.146 Hect. Khasra No.714 area 1.056 Hect. i.e. 2/3 portion of total area 2.716 Hect. i.e. 1.810 Hect. and in Khasra No. 651/4 area 0.348 Hect., Khasra No. 651/1 area 1. 538 Hect., Khasra No. 589/1 Min. area 0.195 Hect. total area 5.059 Hect. are hereby left in favour of the purchaser side and with regard to remaining while declaring violation of provision under Section 154 of Z.A. Act following order is hereby passed for vesting of the same in favour of government under Section 166 of the Z.A. Act.

ORDER

On the basis of aforesaid analysis the lands of following villages purchased which are beyond the prescribed limit and are continuing recorded in the name of different Khatedars /sellers, while declaring the transfer to be null and void, are vested in favour of Govt. of U.P. with immediate effect.

Dandakhudanawala 352K 0-097 Narayan Singh
S/o Kanhaiya

277 New

274 0-093

271 0-061

Village Dandalkhod

174 0-971

Yashwant

May Chak

Singh S/o

Chandan Lal

228/2 0-032

Village

20 Kh 0-227

Shikha

Dandanooriwala

Aggarwal W/o

S.K. Aggarwal

21 Kh 0-146

81 0-170 Nanak Chand

S/o Chirwi Lal

82 0-187

95 0-384

94K 0-352 Ramesh Chand

S/o

Vidhyadhar

15Kh, 0-409 P.D. Bhatt S/o

16, G.D. Bhatt

	17Kh,		
	18,		
	44G,		
	Total		
	Rakba		
Village Bahot	209	0-170	Bahadur Singh etc.
	212	0-080	
	214	0-034	
	215	0-060	
Village Dandalkhod	31K	0-003	Arun Kumar
May Chak			S/o M.P. Lal
	33Kh	0-078	
	446	0-080	Chandan Singh S/o Chatar Singh
	447	0-622	
	88 M	0-049	Balwant Singh etc.
	89	0-202	

	115	0-210	
	115	0-073	
	290	0-482	Khoobchand S/o Rangi Lal
	24/4	0-038	Pratibha Sinha D/o Santosh Kumar
	298	0-387	Satya Swaroop S/o Darshan Lal
	485	0-611	Chandan Singh S/o Chatur Singh
Village Dandadharan	249	0-166	Out of 0-085 Ramesh Chandpant S/o Vishambhar Dutt
	45	0-049	Umesh Kumar S/o Ramesh Chand

		51	0-025	
			0-015	Out of 0-077
Village	Gujrada	491	0-514	Subash Chand
Mansingh				S/o Jiya Lal
		518	0-267	
		538	0-623	
		560	0-271	
		570	0-235	
			2-910	Out of 0-283
		241	0-069	Prakashi Devi
				W/o Ram
				Kishan
		242	0-171	
		243	0-057	
		244	0-177	
			0-417	Out of 0-020
		228	0-061	
		229	0-405	
		250	0-158	

	258	0-085	
	261	0-100	
		0-839	Part of ¼ above
Village Dhorankhas	539Kh	0-049	Rakesh Kumar S/o Prem Prakash
	539K	0-055	Vivek Jain S/o Shiv Kumar Jain
	539G	0-058	Rita Jain W/o Pradeep Jain
Village Bandawali	301	0-125	Riyasuddin S/o Gaudi @ Saini
Village Chatgal Hatnala	161K	0-093	M/s. Mahindra Town Palnars through Mahinder Singh, Lalu Singh
	161K	1-505	

Hatnala	148	0-010	M/s. Mahindra Town through Mahinder Singh S/o Lalu Singh
	161K	0-148	
	161G	0-476	
Bandawal	71K	0-049	Bashir Ahmad etc.
	81	0.012	
	77G	0-020	
	84	0-186	
	83K	0-122	
	83Kh	0-121	
	175Kh	0-243	
Fatehpur	655/2	0-105	
	659/1	0-300	Punna S/o Raju
	599	0-271	Mangal Pal S/o Inder Pal etc.

443/1	642/2	0-562	Lehan Singh S/o Siddhu
	655/1	0-040	Hemuraj S/o Daulat
	654/3	0-162	Vijay Pal Singh S/o Yashpal Singh
	654	0-162	
	650/1	0-423	Gulshan Rai
	651/1	0-341	
	654M	0-162	Vijay Pal Singh S/o Yashpal Singh
	694/1	0-890	Satyapal Singh S/o Basanta
	583, 587/1, 588, 586, 588/2	1-165	Telu Ram S/o Mukandi
Village Charba	Total	0-737	Part of 1/3

1538, 1539, 1540	Rakba		means	0-246
			Virender Singh	
			etc.	
Village Dhakarani	9	0-209	Indraj etc.	
	17	0-200		
	19 M	0-332	Sadhu	
	14/2	0-945	Khutan	
		0-424	Devender	
			Singh, Babu	
			Singh	
Village Khushalpur	365	0-535	Bhura	S/o
			Navibaksh	
	471	0-636	Hamid	S/o
			Khaimudin	
	464/1	1-234	Raghubir	
			Singh	S/o
			Mokham Singh	
	491	0-780	Pallu,	Kallu
			S/o Habib	

Village Ghamola

100, 110/2,
 112/2, 113,
 110/2, 115,
 118/2, 119/2,
 120, 123, 125/1,
 122

Tottal Rakba 102/2 0-209 Harpal Singh
 S/o Mansha

0-077 Sarwari Begam
 W/o Mustafa
 and Abdul Kha

Village Sherpur 262 0-603 Kapil Kumar
 S/o C.B.S.
 Singh

2/6 0-154 Vedraja W/o
 C.S. Raja

20 M 0-405 Chandr Bir
 Singh S/o
 Raghubir
 Singh

2/4/6 0-210 Vedrana W/o
 C.B. Raw

289	0-781	Of 1/3 part means 0-260 Chandr Veer Singh S/o Raghubir Singh
293	0-567	Kapil Kumar S/o C.B. Singh
2/5	0-539	Of 1/2 Vedmati D/o Mithan Singh
2/8	0-308	Vedrana @ Vedmati W/o C.B.Rana
2/4/5	0-231	Samarpal Singh S/o Mitthan Singh
264	0-206	Kapil Kumar S/o C.B. Singh
259, 26M, 256M,	0-231	Rajpal Singh S/o Mithan Singh

319M,			
320M			
2/4/2	0-231	Kapil Kumar	
		S/o C.B. Singh	
301	0-498	Vedmati D/o	
		Mithan Singh	
272M,	0-839	Vedrana W/o	
272		C.B. Rana	
2/16	0-769	Vedrana S/o	
		Mithan Singh	
287,	0-656	Vedmati S/o	
288,		Mithan Singh	
302			
314,	0-919	Chander Veer	
315		S/o Raghubir	
299,	0-608	Rajpal Singh	
300,		S/o Mithan	
308/5		Singh	
2/2,	0-445	Samar Pal	
2/8,		Singh S/o	
2/9,		Mithan	

2/10,

2/31,

295

209 0-781 Dk $\frac{3}{4}$ part

=====

281, 1-045 Kapil Kumar

266 D/o C.P. Singh

2/1 0-605 Samar Pal

Singh S/o

Mithan Singh

Village

Khasra Rakba

No.

Name of

tenure holder

name has been

deleted from

Revenue

Records

290 0.979 Raj Pal Singh

S/o Mithan

Singh

268 0.365 Chandu Veer

Singh S/o

Raghuveer

Singh

291 0.870 =====

296

Village Bassowala 589/1M 0.564 Sabbir S/o
Sukkad etc.

Village 88 M 0.049

Dandalokhand

89 M 0.202

115 0.416 Balwant Singh
S/o Umaron
Singh etc.

16/3 0.349 Shyam Singh,
Sunder S/o
Balkishan

33 M 0.077 Sarswati W/o
R.M. Singh

16 M 0.348 Subash S/o
Balkishan etc.

16/3 M 0.348 Naresh S/o
Balkishan

Village Dandarlokhand Maychak	19/1	0.248	Arun Kumar S/o M.P. Pal
	282	0.640	Mona Negi W/o Sh. Ram Singh
	16/3	0.348	Naresh S/o Balkishan
	17/2	0.008	Kalm Singh S/o Ratan Singh
	110/1	0.259	As above
	23/2	0.022	Babli Narang W/o M.S. Narang
	24/4	0.016	As above
	31K	0.003	Arun Kumar S/o M.D. Lal
	33K	0.078	As Above
	446	0.600	Chandan Singh S/o Chatar Singh

447	0.622	As above
88M	0.049	Balwant Singh, Veer Singh S/o Umrao Singh
89K	0.202	As above
115M	0.210	As above
115G	0.073	As above
290	0.482	Khoobchand S/o Rangilal
24/4	0.038	Pratibha Sinha W/o Santosh Kumar
298	0.387	Satyswaroop S/o Darshan Lal
485	0.611	Chandan Singh S/o Chatar Singh

Accordingly Parwana for mutation may be released. Copy of this order be sent to the

Collector, Dehradun with request to pass order under Section 167(2) of Zamin-dari Abolition Act and for dispossession of defendants from lands in question and to recover possession of State Government.

Sd/- illegible

(Manvendre Singh)

Assistant Collector 1st Class / SDM

Dehradun

The judgment signed today dated 21.08.1997 and pronounced by me in open court.

Sd/- illegible

(Manvendre Singh)

Assistant Collector 1st Class / SDM

Dehradun

//True translated copy//

ANNEXURE R-3

COURT OF THE ASSISTANT COLLECTOR, 1ST
CLASS/ SUB DIVISIONAL OFFICER, DEHRADUN

Case No. 36/96-97

Section 166/167 of Z.A. Act

State

Vs.

Golden Forest India Limited & Ors. through Col.

Balbir Singh

Village Danda Lakhaund etc. Pargana

Parwa/Pachhawadun, Tehsil Dehradun.

JUDGEMENT

Tehsildar Dehradun while submitting report has mentioned that Shri Col. Balbir Singh, in the names of different companies, which are related to Golden Forest India Ltd., has purchased lands in different villages in violation of provision u/s 154(1) of Z.A. Act and has been in possession on site. He has purchased the land beyond the limit prescribed under Section 154(1) of the Z.A. Act,

therefore provision of Z.A. Act has been violated. Therefore against him proceeding u/s 166/167 of Z.A. Act be instituted against him. As per the list enclosed with the said report the said Shri Balbir Singh has purchased the lands situated in village Danda Lakhaund admeasuring 11.624 Hect., in Rainiwala area 0.259 Hect., in Khairmansingh area 0.247 Hect., in Thewa an area 0. 664 Hect., in Ghorankhas area 2.339 Hect., in Danda Khudanewala area 0.704 Hect., in Dandanuriwala area 1.324 Hect., in Kirsall area 0.717 Hect., in Kalagaon an area 1.101 Hect., in Asthal an area 2.421 Hect. in Danda Ghoran an area of 1.004 Hect., in Bhandariwala an area of 2.406 Hect., in Bhandariwala Chak an area of 0.796 Hect., in Gujarani an area of 1.977 Hect., in Gujarada Mansingh an area 1.057 Hect., in Dandalyokhandamay Chak an area of 0. 502 Hect., in Sarkhet an area of 0.860 Hect., in Bautha an area of 0.926 Hect. in Seraki an area of 0.809 Hect., Timalimansingh an area of 21.339 Hect., in Bhaiswadgaon an area of 12.973 Hect., in Kulhanmansingh an area of 0.109 Hect., In Kulhandaranpur an area of 0.259 Hect., in Nagal

Harnala an area 1.877 Hect., Bandawali an area of 4.080 Hect., in Maroda an area of 0.263 Hect., in Khurawa an area of 6.882 Hect., in Aamwala Uparala an area of 0.303 Hect., in Aamawala Tarala an area 6.882 Hect., Misaraspatti an area of 2.270 Hect., in Fatehpur an area of 3.786 Hect. and in village Jassowala an area of 6.920 Hect. total area 107-455 Hect. from different Sankramaniya Bhumidars by way of registered sale deeds in the names of different companies, Golden Forest India Ltd. The purchaser side has purchased lands more than 12 ½ acres without obtaining permission from State Government due to which provision under Section 154 (1) of Z.A. Act has been violated. Tehsildar alongwith his report has also sent the details of the said lands purchased and copies of Khataunies.

I have perused the evidences available on case record and has minutely perused the report of Tehsildar Dehradun. From the evidences available on case record it becomes clear that the purchaser side has violated the provision under Section 154 of Zamindari Abolition Act because

even after having lands more than 12 ½ acres, he has purchased the land more than this. These companies/ purchasers has also purchased some lands in village Rampurkala, Pargana Pachhawadun. Which has been disposed in Case No. 26/96-97 under Section 166/167, State Vs. Balbir Singh. And in the said case in the name of said companies/purchaser 12 ½ acres land have already been released and remaining land have been ordered to be vested in the State Government. Therefore now in this case they could not be given benefit of release of 12 ½ acres lands.

On perusal of evidences available on case record it becomes clear that the purchaser has violated the provision under section 154 of the Z.A. Act as a result thereof these lands purchased will presumed to be automatically vested in favour of the State Government free from all encumbrances from the date of its sale. Probably to save from these sub clauses the purchaser side has willfully not instituted proceeding for mutation of their names in the

revenue records of these lands and even after sale of the land the lands in questions have been continue to be recorded in the names of previous khatedars, which is not justified. Therefore, it would be justified to immediate vest these disputed lands in favour of the State Government so that the disputed lands could not be misappropriated. Therefore following order is hereby passed.

ORDER

On the basis of aforesaid analysis the followings lands of following villages which are recorded in the names of different Khatedars and have been purchased by the said companies/ purchasers are hereby vested in favour of Govt. of U.P. with Immediate effect.

Village Name	Rakba No.	Rakba in Hect.	Name of tenure holder name has been deleted from revenue records
Village Lokhandma	52/1	0-176	Arun, Rakesh S/o Jyotiprasad

ychak

295

297

0631

Nagender .

S/o

Mohan

56

0-239

Prakash

S/o

Mathura

60

0-053

0-292

41

0-101

Phooldei W/o

96/6

0-012

Prem Singh, Puran

Singh S/o Atar

Singh

90

0-081

92

0-105

119

0-663

0-861 of

1/3 part

27/6

0-032

Krishna

Maithani

W/o Nanda Dutt

369	0-081	Ram Swaroop, Ramesh S/o Mangu
130	0-101	Abhi Chand, Chaman Lal S/o Amarliya etc. Satya Swaroop S/o Darshan Lal
479/2	0-178	Virender, Pradeep S/o Yashwant etc.
355	0-214	Chandan Singh, Krishan Gopal S/o Chatar Singh
396/1	0-028 0242	
113/1	0-190	Padam Singh, Manoj Kumar etc.
131/4	0-008 0-198	
112/1	0-109	Baru Singh S/o Nain Singh

131/5	0-081	
	0-190	
3/3	0-150	Mohan Singh S/o Narayan Singh
120/2	0-174	
121/Gh	0-255	
	0-579	
33/1	0-214	Devi Ram, Rajender Singh etc.
40/1	0-106	
45/1	0-591	
	0-911	
46M	0-158	Kanta Gupta W/o Anil Kumar
46M	0-158	Jitender Kumar S/o Hans Ram
46M	0-158	Baldevraj S/o Madan Lal
46M	0-158	Sumitra Devi W/o

Harprasad

69/5	0-012	Sunil Singh, Anil Singh S/o Veer Singh
90	0-081	
92	0-105	
119	0-563	
Out of 0-103 Hct.		
116/1	0-162	Narayan Singh S/o Padam Singh
69/2	0-101	Chetandei W/o Bhagwan Singh
98/1	0-571	
103/1	0-053	
104/1	0-008	
	0-633	
	part of	
	1/7	
79	0-409	Nagender S/o

Mohan

261M 0-174 Arun, Rakesh S/o
Jyoti Prasad

24/1 0-000 Arun Kumar S/o
M.B.Lal

25/1 Out of

26/1 0-226

27/1

29/1

307/2 M 0-077 Dinesh Prasad
Paliwal S/o
Maheshanand

308 0-308

309 0-893

1-279 of =0-640

½ part

202 0-105 Subhash Chand S/o
Payarlal

250 0-125

	0-230	
43/1	1-076	Mahender, Jaspal S/o Ratan Singh
69/6	0-016	
91	0-109	
99	0-202	
108	0-065	
	1-468	
69/5	0-004	
96	0-384	
107/1	0-146	
	0-534	
351	0-174	Anita W/o Shlv Narayan Sushma
65	0-279	Prakash S/o Mathura
66	0-028	
68/1	0-053	
	0-360	=0-120

	part of		
	1/3		
133	0-134	Virendra Singh S/o	
		Kishan Singh	
93	0-109		
111/1	0-190		
	0-299 of	=0-150	
	1/2 part		
283	0-547	Virendredutt Vijay	
		Singh, Raju,	
		Dhirendra S/o	
		Kaboolchand	
69/8	0-101	Mahendra Singh,	
		Ajaypal S/o Ratan	
		Singh	
98/1	0-571		
103/1	0-053		
	0-125		
246	0-154	Rajkumari W/o	
		Chamanlal	

	35A	0-029	Sarswati Goyal W/o I.D.
	35Kha	0-039	Anil S/o Dhanprakash
	122	0-162	Jai Prakash Bishambar S/o Kanhiya
	125 Kha	0-352	
	125 M	0-186	
		0-700	
	27/4	0-077	M.C. Tyagi S/o Prem Prakash
Village- Rainiwala	141	0-050	Nanku S/o Ballu
	142	0-090	
	143	0-090	
	144	0-029	
		0-259	
Village Khariman	178	0-045	Gopiram S/o Baishakhuram,

Singh

Smt. Mukandi Deyi

W/o Gopiram

230

0-202

0-247

Village

203 Kha

0-021

Nanku S/o Ballu

Thewa

2

0-235

Pramood & Prawin

S/o Vijendra Singh

& Deepak Singh

S/o Mahendra

Singh etc

5

0-130

6

0-105

11

0-194

0-664

Village

219 M

0-195

Kamla Banerjee

Chorankhas

W/o Gopal

216 Kha

0-194

Mrs. Goma

Banerjee D/o

Shyamsharan

Banerjee

218K 0-194 Bela Yay Yayal W/o
Pramood Chand

219 Kha 0-194 Shyamkali
Banerjeet W/o
Devnarayan

219 K 0-049 Sameer Chaterjee
S/o K Chaterjee

218 0-093

216 0-194 Asha, Devesh S/o
Santosh Devesh
Howraha

216 Kh Sopan Chaterjee
S/o K. Chaterjee

216== 0-159 Gautam Banerjee
S/o Shyam Charan

217 Ka 0-035

0-194

341 Gh 0-161 Devki Devi Deva
Dhyan Singh

	345 Gh	0-161	
	345 Kh	0-194	
		0-372	
	81 Ka	0-466	Jugal Kishor S/o Kundanlal
Village	332	0-308	Subash Chand S/o Mukundlal
Danda			
Khudanewal			
a			
	202		
	203	0-094	Vinod S/o Buddhi Prakash
	81	0-304 of ¼ Part	Om Prakash S/o Kamalnain
	361	0-454 of ½ part	Bhagat Singh S/o Balbir
Village	121	0-220	Surendra, Pawan, Sanjay, Suraj S/o Santoshi
Danda			
Nooriwala			
	122	0-242	

0-462 of

 $\frac{1}{2}$ part

108 Ka	0-053	Purandei W/o Jai Singh
--------	-------	------------------------

108 Kh	0-093	Chandan Singh S/o Hari Singh
--------	-------	------------------------------

100	0-035	Ratan Singh S/o Dhuman Singh etc.
-----	-------	-----------------------------------

101 Ka	0-026	
--------	-------	--

101 Kh	0-140	
--------	-------	--

105 Ka	0-190	
--------	-------	--

106 Ka	0-079	
--------	-------	--

0-344

78 Kh	0-101	Nagendra S/o Mohan
-------	-------	--------------------

108 Kh	0-105	Phooldevi W/o Prakash Singh
--------	-------	-----------------------------

25	0-253	Jagdish Prasad S/o Payarelal
----	-------	------------------------------

26	0-135	
----	-------	--

		0-388		
Kirshall	362	0-049	Gobind Singh	
			Kishan Singh S/o	
			Manbahadur	
	409	0-089		
	432	0-405		
	471	0-073		
	490	0-101		
		0-717		
Kalavillage	71	0-186 of	Mukesh, Vikesh	
		0-086	(minor) by	
		part	Vimlakala natural	
			guardian mother	
			W/o Prakash Chand	
			by Rajiv Dubey	
	18	0-138	Lalit Mohan Vipin	
			Mohan S/o	
			Ghanshyam Lal	
	106	0-085		
	111	0-045		

92 0-567

112Gh 0-085

155Ka 0-065

187 0-088

196 0-057

216 0-087

217 0-120

1-337 out
of 1-101
Hect.

Village-
Asthal

4Gh 0-094 Vinod, Dinesh
(Minor) S/o Gaje
Singh by Guardian
Mother Krishna
Devi

7Kh 0-267

8 0-070

9Kh 0-150

10 0-315

11 Kh 0-020

0-914

Hect out
of 0-769
Hct.

1Gh 0-010 Chandan Singh S/o
Jai Sigh

48 0-045

49 0-050.

61 Kh 0-165

64Ka 0-016

66Ka 0-0635

89Kh 0-067

0-4165
out of 0-
208 Hect.

52Ka 0-372 Harnand S/o
Ransingh

197 0-185

198Ka 0-143

	201Gh	0-231	
		0-931	
	5 Kh	0-165	Ratan Singh, Bhagwan Singh S/o Shamsher Singh
	6	0-045	
	13	0-065	
	15Ka	0-068	
	16	0-100	
	17	0-080	
	18	0-075	
	19	0-110	
	41Kh	0-805	
		1-513	
Danda	68	0-300	Ishmail S/o
Dhoran			Rambhal, Munudin, Habib, Suleman Asghar S/o Majid
	70	0-263	Munudin, Habib, Suleman, Asgar S/o