

PETITIONER:
U.P. STATE SUGAR CORPN. LTD.

Vs.

RESPONDENT:
STATE OF U.P. AND OTHERS

DATE OF JUDGMENT 29/08/1995

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

CITATION:
1995 SCC Supl. (3) 538 JT 1995 (6) 545
1995 SCALE (5) 182

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

The short point in this appeal, which was not argued in the High Court, is whether the appellant is entitled to retain the land to the extent of 2.18 acres out of Survey Nos. 41/1 and 41/2. The Collector himself had written a letter on December 7, 1985 to the Secretary to the Government stating that a portion of the land of plot Nos. 41/1 and 41/2 measuring 2.18 acres out of total 2.40 acres adjoining the General Manager, U.P. State Sugar Corporation's residence, which is the subject matter of the acquisition, was yet to be developed. Leaving apart mere 3 metres of land around General Manager's residence would be highly inconvenient. The matter was examined in the meeting of the District Officer Shri Atul Kumar Gupta; the General Manager of the appellant, and the Executive Engineer of the respondents-Avam Evam Vikas Parishad ('Parishad', for short). It was decided in the said meeting that in exchange of the acquired land, 2.18 acres of land, the appellant would give an extent of 2.74 acres of land in plot No. 41/4. The Parishad was directed to send a proposal to acquire the land of plot No. 41/4 and also exemption of the land to the extent of 2.18 acres of land adjoining the General Manager's residence. The Parishad, by its letter dated February 14, 1983 submitted proposal to acquire the land in plot No. 41/4, but not for deletion of 2.18 acres of land in plot Nos. 41/1 and 41/2. This would clearly indicate that ground survey was conducted in consultation with the respective officers and found that deletion of 2.18 acres of land in survey Nos. 41/1 and 41/2 was necessary for convenient and comfortable enjoyment of the property by the appellant-Corporation.

After all, these are two public corporations and the appellant is also serving the public purpose. The land is needed by them for convenient enjoyment of the residence and the staff quarters. The Parishad is acquiring land for urban

development; it would also become a part of its duty to see that the appellant Corporation should have comfortable enjoyment of properties for its officers and staff.

The appellant has submitted before us a plan, marking the land in yellow which is necessary for it to enjoy the land and which needs to be exempted from acquisition. We find the request is genuine. We, therefore, direct the Parishad to submit, within three months from today, a proposal for the State Government to withdraw the proposed acquisition to the extent of 2.18 acres of land in plot Nos.41/1 and 41/2 and instead acquire land of plot No. 41/4, shown in red in the plan, as offered by the Corporation. The State Government is directed to issue required notifications within a period of two months thereafter.

The appeal is accordingly allowed. No costs.

JUDIS