



2025 INSC 285

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2025
(arising out of SLP(C) Nos. 25463-25464/2024)

DISTRICT MAGISTRATE/COLLECTOR,
SONBHADRA, DISTRICT SONBHADRA &
ANR. APPELLANT(S)

VERSUS

HEERA LAL & ORS. RESPONDENT(S)

O R D E R

Leave granted.

The impugned judgment, in our opinion, proceeds on the basis of contradictory stands taken by the district administration but does not deal with the factual issue in question.

As far as the conflicting stands taken by the district administration are concerned, it is stated that departmental proceedings have been initiated against the erring officer(s).

Respondent No. 1, Heera Lal, was the owner of 8 biswa of land in Plot No. 606/2 situated in Village Sukrit, Pargana Ahraura, Tehsil Chunar, District Sonbhadra, Uttar Pradesh. He sold 4 biswa of land to one Mrs. Badrunisha and 1 biswa of land to Mrs. Gyan Devi. He was, therefore, left with 3 biswa of land.

Respondent No. 1, Heera Lal, claims that the district administration took possession of 4 biswa of land for construction of a road but no compensation has been paid to him.

During the course of hearing, the learned counsel appearing for respondent No. 1, Heera Lal, has drawn our attention to the Site Inspection and Demarcation Report dated 15.11.2018 which records the facts, as noted above. In the end, the report states that the area of vacant land of Gata No. 606/2 on the side of Varanasi-Shaktinagar can be taken by Heera Lal. Respondent No. 1, Heera Lal, claims that he has not been given the possession of the said land in spite of the Site Inspection and Demarcation Report dated 15.11.2018. The appellants do not dispute that respondent No. 1, Heera Lal, is the owner of 3 biswa of land in Plot No. 606/2. Thus, the factual aspect that arises for consideration is as to whether the appellants are in possession of 3 biswa of land belonging and left with respondent No. 1, Heera Lal, and have constructed a road thereon. It is this aspect which has to be examined and decided by the High Court.

In view of the aforesaid discussion, we set aside the impugned judgment and pass an order of remand to the High Court to decide afresh Writ-C No. 16762/2017, titled "*Heera Lal v. State of U.P. & Ors.*". Whilst deciding the matter, the High Court may call upon the parties to file additional affidavits and may also require the District/State authorities to file satellite images to establish the factual position.

The impugned judgment/order dated 30.08.2018 is accordingly set aside and the appeals are allowed in the above terms.

The judgment/order dated 26.07.2024 passed in Civil Misc. Review Application No. 04/2019 in Writ-C No. 16762/2017 will also stand set aside in the above terms.

We, however, clarify that we have not commented on the merits of the case. The High Court will decide the aforesaid writ petition independently without being influenced by the reasons and findings recorded in the impugned judgment/order dated 30.08.2018.

Pending application(s), if any, shall stand disposed of.

.....CJI.
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

NEW DELHI;
FEBRUARY 24, 2025.