

DHARAMDEO  
v.  
BIJARAT AND ORS.

DECEMBER 12, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

*U.P. High Court (Abolition of Letters patent Appeals) (Amendment) Act, 1972—S.2—Legislative competence—Challenged—Whether impugned Act is within legislative competence of State legislature—Held, Yes—There is no discrimination violating Art. 14 of Constitution of India—Procedure prescribed is only supplemental or residual to main purpose of the Act.*

The validity of the Ordinance was challenged on the ground of legislative competency, as violative of Art. 14 of the Constitution. It was urged that the procedure prescribed is in violation of the Code of Civil Procedure; that the trial provided under the Act is unjust, unreasonable and unfair and that it offends the right to fair hearing and the CPC, as the Letter Patent Appeal was taken away under the Act.

Dismissing the appeal, this Court

HELD : 1.1. Since it is a matter relating to land reform and land, it is covered by Schedule 7, List II, item Nos. 14 and 18. Therefore, the impugned Act is within the legislative competence of the State legislature. Since the legislature is competent to enact the law, all the agricultural holdings covered under the Act are equally regulated thereunder. Therefore, there is no discrimination violating Art. 14. [622-E]

1.2. The procedure prescribed in the Act is only supplemental or residual to the main purpose of the Act. Civil Procedure Code is in the Concurrent List. The act received assent of the President. The legislature, therefore, is competent to provide procedure in the implementation of the provisions of the Act. The summary procedure having been prescribed for early disposal of these cases, causes minimum inconvenience to the litigants, which is just and fair procedure. It is, therefore, reasonable and fair to the parties. Elaborate procedure like trial need not necessarily be provided as is in vogue in civil suits. The time consuming process was sought to be curtailed and fair procedure was streamlined. [622-G-H]

**A** 1.3. Creation of the hierarchy of the court is one of legislative policy. With a view to curtail multiplicity of appeals, the legislature stepped in and saved structural appeals. The legislature limited the remedy providing for only one appeal to the High Court before a single Judge against the orders of the Board of Revenue or consolidation authority etc. [623-B]

**B** CIVIL APPELLATE JURISDICTION : Civil Appeal No. 255 of 1976.

From the Judgment and Order dated 22.5.1973 of the Allahabad High Court in Special Appeal No. 128 of 1973.

**C** Pramod Swarup for the Appellants.

Raj Kr. Gupta, H.P. Sharma and Rajesh for the Respondents.

The following Order of the Court was delivered :

**D** We have perused the order of the High Court dated November 24, 1975. The only question raised relates to the validity of the Ordinance which has already been upheld by the Full Bench of that Court. It was argued relating to legislative competency. Since it is a matter relating to land reform and land, it is covered by schedule 7, List II, item Nos. 14 and

**E** 18. As a result, the impugned Act is within the legislative competence of the State legislature. It is then contended that it is violative of Art. 14. We find no force in the contention. Since the legislature is competent to enact the law, all the agricultural holdings covered under the Act are equally regulated thereunder. Therefore, there is no discrimination violating Art.

**F** 14. It is next urged that the procedure prescribed is in violation of the Code of Civil Procedure, a Central Act. We find no force in the contention. The procedure is only supplemental or residual to the main purpose of the Act. CPC is in the Concurrent List. The Act received assent of the President. The legislature, therefore, is competent to provide procedure in the implementation of the provisions of the Act. Next submission is that the trial

**G** provided under the Act is unjust, unreasonable and unfair. We find that the summary procedure having been prescribed for early disposal of these cases, causes minimum inconvenience to the litigants, which is just and fair procedure. It is, therefore, reasonable and fair to the parties. Elaborate procedure like trial need not necessarily be provided as is in vogue in civil

**H** suits. The time consuming process was sought to be curtailed and fair

procedure was streamlined. As one of its facets it is argued that the Letter Patent Appeal was taken away under the Act and that, therefore, it offends the right to fair hearing and the CPC. We find no force in the contention. Creation of the hierarchy of the court is one of legislative Policy. With a view to curtail multiplicity of appeals, the legislature stepped in and saved structural appeals. The legislature limited the remedy by providing for only one appeal to the High Court before a learned single Judge against the orders of the Board of Revenue or consolidation authority etc. Since that question was fully canvassed before the Full Bench, which has considered the same *in extenso* and upheld the abolition of the special appeal, we are in agreement with the reasoning and conclusion of the Full Bench.

We do not find any justification for interference. The appeal is accordingly dismissed. No costs.

R.A.

Appeal dismissed.