

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). OF 2018
(Arising out of SLP(C) No. 5182-5184 of 2017)

STATE OF HARYANA & ORS.

Appellant(s)

VERSUS

NARINDER KUMAR & ORS. ETC.ETC.

Respondent(s)

O R D E R

Heard learned counsel for the parties.

Delay condoned.

Substitution allowed.

Leave granted.

The Notification under Section 4 of the Land Acquisition Act, 1894 (in short 'the Act') was issued in the year 1984 and declaration under Section 6 of the Act was followed in the year 1985 and award was passed in the year 1986. The impugned order has been passed allowing the writ petition on the ground that acquisition has lapsed by virtue of the provisions contained under Section 24 of the Right to Fair Compensation and

Transparency in the Land Acquisition Rehabilitation and Resettlement Act, 2013 that order has been assailed in this court and in view of the decision of this Court in Indore Development Authority vs. Shailendra (dead) through its Lrs. & Ors. in C.A. No. 20982 of 2017 on 8th February, 2018, alongwith this Appeal, the impugned order passed by the High Court is liable to be set aside for the reasons mentioned in *Indore Development Authority* (supra).

However, on merits the only submission raised by the learned counsel for the appellant that now temple has been constructed after the decision was rendered by the High Court in the year 2014; as there was some delay in filing the special leave petition hence during that period the temple has been constructed alongwith physiotherapy Center in the part of the area covering 213 sq. yard that may be exempted.

It was submitted by learned counsel appearing on behalf of the State that possession is with HUDA and illegal construction has been raised, once award has been passed construction could not have been raised.

After hearing learned counsel appearing for the parties, we are of the opinion that as a temple did not exist when the notification under Section 4 had been

issued and declaration under Section 6 of the Act was made wayback in the year 1984-85 it could not be a legally tenable ground that the area, in which subsequently construction of temple and Physiotherapy center was made, should be exempted from the acquisition.

We find no ground to entertain the aforesaid submissions. Consequently, the order passed by the High Court is set aside. The writ petition filed by the respondents is liable to be dismissed and is hereby dismissed.

The appeals are allowed.

.....J.
(ARUN MISHRA)

.....J.
(AMITAVA ROY)

NEW DELHI;
FEBRUARY 19, 2018

ITEM NO.61

COURT NO.10

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 10742/2008

(Arising out of impugned final judgment and order dated 28-03-2008 in WA No. 128/2008 passed by the High Court of M.P. Principal Seat At Jabalpur)

YOGESH KUMAR & ORS.

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

WITH

SLP(C) No. 15127/2016 (IV-B)

SLP(C) No. 31678/2015 (XIV)

SLP(C) No. 5182-5184/2017 (IV-B)

(APPLICATION FOR SUBSTITUTION TO BRING ON RECORD LRS. OF DECEASED RESPONDENT NO. 1, DELAY IN FILING SUBSTITUTION, APPLN. FOR PERMISSION TO FILE VAKALATNAMA ON BEHALF OF LR. OF RESPONDENT NO.1 AND APPLN. FOR EXEMPTION FROM FILING OT.)

SLP(C) No. 27389/2015 (XIV)

SLP(C) No. 27383/2015 (XIV)

SLP(C) No. 34787/2015 (XIV)

Date : 19-02-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Ms. Rachana Srivastava, AOR
 Mr. Sukrit Kapoor, Adv.
 Ms. Sudipta Sarkar, Adv.

Mr. Birendra Kumar Choudhary, AAG
 Mr. Sanjay Kumar Visen, AOR
 Mr. Sasmita Tripathy, Adv.
 Mr. Suraj P. Ahlawat, Adv.

Mr. Ashwani Kumar, AOR
 Mr. Ravinder Nain, Adv.
 Mr. Jay Kumar Bhardwaj, Adv.
 Mr. Naveen Kumar, Adv.

Mr. Sushil Kumar Jain, Sr. Adv.
 Mr. Puneet Jain, Adv.
 Mr. Pankaj Sharma, Adv.
 Mr. Abhinav Gupta, Adv.
 Mr. Harsh Jain, Adv.
 Ms. Christi Jain, Adv.
 Ms. Pratibha Jain, AOR

Mr. Kuldip Singh, AOR

Mr. Vishwa Pal Singh, AOR

Mr. Vikas Mehta, AOR

Ms. Garima Prashad, AOR

Mr. Siddharth Singla, AOR

Ms. Binu Tamta, AOR

Mr. A. Sharan, Sr. Adv.
 Mr. Vishnu B. Saharya, Adv.
 Mr. Viresh B. Saharya, Adv.
 M/S. Saharya & Co., AOR

Mr. Lakshmi Raman Singh, AOR

Mr. Ashish Kumar Gupta, AAG
 Mr. R.K. Rajwanshi, Adv.
 Mr. Chandra Shekhar Suman, Adv.
 Mr. Sanjay Kumar Visen, Adv.

For Respondent(s) Mr. Raju Ramachandran, Sr. Adv.
 Mr. V.P. Singh, Sr. Adv.
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 Ms. Jyoti Kataria Bajaj, Adv.
 Mr. Ishwar Mohanty, Adv.
 Ms. Anu Gupta, Adv.
 Mr. Ashwani Kumar, AOR

Mrs. Santosh Singh, AOR

Mr. Jagjit Singh Chhabra, AOR

Mr. Raju Ramachandran, Sr. Adv,
 Mr. Gagan Gupta, AOR
 Mr. Mohit D. Ram, Adv.
 Mr. Ankit Jain, Adv.

M/S. Parekh & Co., AOR

Mr. Puneet Sharma, AOR

Mr. Kamal Mohan Gupta, AOR

Mr. Daya Krishan Sharma, AOR

Mr. Atul Kumar, AOR

Mr. Siddharth Mittal, AOR

Ms. Suparna Srivastava, Adv.

Mr. Ram Swarup Sharma, AOR

Mr. Mishra Saurabh, AAG(M.P.)

Mr. Arjun Garg, AOR

Ms. Rachana Srivastava, AOR

Mr. Pradeep Misra, AOR

Mr. Rao Ranjit, AOR

Ms. Binu Tamta, AOR

Mr. Sibbo Sankar Mishra, AOR

Mr. M.K. Ravi, Adv.

Mr. Ankur Bansal, AOR

Mr. A. Tewari, Adv.

Ms. Eliza Bar, Adv.

Mr. Shree Pal Singh, AOR

Mr. Ajay Pal, AOR

Mr. B. Krishna Prasad, AOR

Mr. Braj Kishore Mishra, AOR

Ms. Anubha Agrawal, AOR

Mr. E. C. Agrawala, AOR

Mr. Rabin Majumder, AOR

Mr. Sushil Kumar Jain, Sr. Adv.

Mr. Rakesh Kumar, Adv.

Mr. Kedar Nath Tripathy, AOR

Mr. Mohit D. Ram, AOR

Mr. Jasbir Singh Malik, Adv.

Mr. Anil Nath Khanna, Adv.

Mr. Abhishek Pareek, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IN SLP(C) No. 10742/2008

We do not find merits in the submission in the challenge to the invocation of urgency clause under Section 17(1) read with Section 17(4) of the Land Acquisition Act, 1894 and also to violation of policy while making acquisition of land, we find no ground to interfere on merits.

It was lastly urged that since the State Government does not require the land at this stage, land may be released by the State under the provisions of Section 48 of the said Act. We do not comment on merits of said prayer. It is for petitioner to file representation to State Government. In case it is filed within 15 days, the State Government to decide it within three months by a reasoned order.

The petition is disposed of.

IN SLP(C) No. 31678/2015

List tomorrow i.e. on 20.02.2018.

IN SLP(C) Nos. 27389 & 27383/2015

Heard learned counsel for the parties.

Hearing concluded.

Judgment reserved.

IN SLP(C) Nos. 34787/2015 & 15127/2016

List tomorrow i.e. on 20.02.2018.

IN SLP(C) Nos. 5182-5184 of 2017

The appeal is allowed in terms of the signed order.

Pending application, if any, also stand disposed of.

(NEELAM GULATI)	(JAGDISH CHANDER)
COURT MASTER (SH)	BRANCH OFFICER
(SIGNED ORDER IN SLP(C) 5182-84/2017 IS PLACED ON THE FILE)	