

ITEM NO.27

COURT NO.4

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 9024/2013

[Arising out of impugned final judgment and order dated 11-10-2012 in CMWP No. 53476/2012 passed by the High Court of Judicature at Allahabad]

MADAN PAL & ORS.

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(IA No. 45509/2020 - AMENDMENT OF THE PETITION, IA No. 110804/2023 - APPLICATION FOR SUBSTITUTION, IA No. 110805/2023 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN., IA No. 32652/2018 - EXEMPTION FROM FILING O.T. and IA No. 32651/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 26-08-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :

Mr. Wasim A. Qadri, Sr. Adv.
Mr. K.S. Rana, AOR
Mr. Aditya Sharma, Adv.
Mr. Anurag Nagar, Adv.
Mr. Saeed Qadri, Adv.
Mr. D. Vidyanandan, Adv.
Mr. Sanjay Singh, Adv.

For Respondent(s) :

Mr. Shashank Shekhar Singh, AOR

Mr. Ravindra Kumar, Sr. Adv.
Mr. Binay Kumar Das, AOR
Ms. Priyanka Das, Adv.
Ms. Neha Das, Adv.
Mr. Shivam Saxena, Adv.

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

Exemption from filing official translation is granted.

Application for substitution to bring on record the legal

representatives of the deceased petitioner No. 12 is allowed with all just exceptions, condoning the delay in filing of the said application.

We have heard the learned Senior counsel appearing for the petitioners and the respondents.

Wisdom dawned upon the petitioners to approach the High Court against the acquisition proceedings after 33 years of the completion of the acquisition proceedings, notwithstanding the fact that they sought for reference, which is pending in appeal for consideration before the High Court.

The learned Senior counsel appearing for the petitioners made reliance upon the two decisions of this Court in *Radhy Shyam (Dead) through Lrs. & Ors. vs. State of Uttar Pradesh & Ors.*¹ and *Royal Orchid Hotels Limited & Anr. vs. G. Jayarama Reddy & Ors.*²

In our considered opinion, these decisions have no application whatsoever to the facts of the present case. In the decisions rendered, this Court took note of the fact that the acquisition proceedings quashed *qua* some of the petitioners, had attained finality. Whereas in the present case, not only the vacant possession has been delivered after invocation of the urgency clause, but the land in question has been allotted to various third parties decades ago. Even the said allottee(s) is not a party before us.

Suffice it to state that this is nothing but judicial

1 (2011) 5 SCC 553

2 (2011) 10 SCC 608

adventurism adopted by the petitioner after deciding to seek for compensation, which is pending consideration before the High Court by way of an appeal against the award of the Reference Court.

In any case, we are not concerned with the issue *qua* compensation, but we are only dealing with the challenge raised by the petitioners to the acquisition proceedings in this Special Leave Petition.

Recording the aforesaid, the Special Leave Petition is dismissed.

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

(DEEPAK GUGLANI)
AR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR