

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 (Civil) No(s).5212/2004

(From the judgement and order dated 01/10/2003 in WP No. 4930/2003 & WP No. 7165/2003 of The HIGH COURT OF BOMBAY)

HARIPRASAD MANGALDAS BHAVSAR & ORS.

Petitioner(s)

VERSUS

PRINCIPAL SECRETARY AND ORS.

Respondent(s)

Date: 18/11/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner(s)

Mr.M.Qamaruddin,adv.

Mrs M. Qamaruddin,Adv.

Mr. A.Qamaruddin,adv.

Mr. B.P.Sarangi,adv.

Ms. Ritu Bhardwaj,Adv.

For Respondent(s)

Mr. V.N.Ganpule,Sr.adv.

Mr. R.K.Adsure,adv.

Mr. V.N. Raghupathy,Adv.

Mr. Shivaji M. Jadhav,Adv

UPON hearing counsel the Court made the following

O R D E R

the State Government

In terms of the order dated 8.8.2005,

which time the State was required to take instructions as to within
Government will make payment of the awarded amount to the petiti
oners. It
is orally submitted by learned counsel for the respondents
that the matter
will be placed before the House in the next budgetary
session. We are not
satisfied with the answer given. It shows the

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cavalier attitude of the State Government despite the fact that the lands had
been in their possession since 1986 and the notice under Sec.4(1A)
was
issued in 1998. We, therefore, peremptorily grant another four months in
which payment of amount awarded must be made failing which the 53 Ares
reserved by the respondents will be released to the respondents.

The second requirement was that the State Government was
to issue a Notification under Sec.4(1) of the Land Acquisition Act, 1894, in
respect of the balance 15 Ares of land. The order was passed on the basis of
the requirement of the Malegaon Municipal Corporation to take over the
said 15 Ares of land. Learned counsel appearing for Municipal Corporation
now states that his client is not interested in the 15 Ares of land. In that view
of the matter, the 15 Ares of land may be released to the petitioners forthwith
and, in any event, within a period of four months from today. The said 15
Ares of land be identified after demarcation, if not already done.

The special leave petition is disposed of.

[SUMAN WADHWA]

[ANAND SINGH]

COURT MASTER

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