

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).7985____ OF 2011
(arising out of SLP(C)No.3740/2006)

SANTOSH KUMAR

...Appellant(s)

VERSUS

STATE OF U.P. AND OTHERS

...Respondent(s)

WITH

Civil Appeal No.7986__of 2011
(arising out of SLP(C) NO.10889/2006)

Civil Appeal No.7987__of 2011
(arising out of SLP(C) NO. 21349/2006)

O R D E R

Leave granted.

These appeals are directed against orders dated 8.12.2005 passed by the Division Bench of the Allahabad High Court whereby the writ petitions filed by the appellants questioning the acquisition of their land were summarily dismissed.

We have heard Shri Kailash Vasdev, learned senior counsel appearing for the appellants and Shri S.R. Singh, learned senior counsel appearing for the respondents and carefully perused the record including affidavit dated 4.8.2011 of the Special Land Acquisition Officer (Joint Organisation), Banda and additional documents filed by the appellants.

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In our considered opinion, the impugned orders are liable to be set aside only on the ground that while dismissing the writ petitions, the High Court did not advert to the factual matrix of the case and grounds on which the appellants have challenged the acquisition of their land including the one that the urgency provision contained in section 17 of the Land Acquisition Act, 1894 could not have been invoked for the acquisition of land for construction of residential and non-

residential wings of District Headquarter. The High Court should have considered on merits the grounds of challenge and decided the same by assigning cogent reasons. Its failure to do so has resulted in manifest injustice to the appellants.

In the result, the appeals are allowed, the impugned orders are set aside and the matters are remitted to the High Court for fresh disposal of the writ petitions. The parties are given liberty to file additional affidavits and documents before the High Court within a period of 12 weeks.

All the pending interlocutory applications are disposed of as infructuous.

.....J.
(G.S. SINGHVI)

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.....J.

(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI,
September 19, 2011.

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ITEM NO.36

COURT NO.7

SECTION XI

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).3740/2006

(From the judgement and order dated 08/12/2005 in
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

CMWP No.9548/2003

SANTOSH KUMAR

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With appln(s) for modification of Court's Order and prayer for
interim relief and office report)

WITH

SLP(C) NO. 10889 of 2006

(With appln(s) for modification of Court's Order and office report)

SLP(C) NO. 21349 of 2006

(With appln(s) for modification of Court's Order and office report)

Date: 19/09/2011

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Kailash Vasdev, Sr.Adv.
 Mr. Vishwajit Singh, Adv.
 Mr. Ritesh Agrawal, Adv.
 Mr. Pankaj Singh, Adv.

For Respondent(s) Mr. S.R. Singh, Sr.Adv.
 Mr. Manoj Kumar Dwivedi, Adv.
 Mr. Gunnam Venkateswara Rao, Adv.
 Mr. A.S. Pundir, Adv.

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

Leave granted.

In terms of signed order, the appeals are allowed,
the impugned orders are set aside and the matters are

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remitted to the High Court for fresh disposal of the writ
petitions. The parties are given liberty to file additional
affidavits and documents before the High Court within a
period of 12 weeks.

All the pending interlocutory applications are
disposed of as infructuous.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed Order is placed on the file)