

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.3530-3531 OF 2008

UNION TERRITORY OF DADRA AND NAGAR HAVELI,
AND ANOTHER . . .APPELLANT(S)

Versus

CHANDRA SINGH RAMSINGH PARMAR . . .RESPONDENT(S)

W I T H

CIVIL APPEAL NO.3522 OF 2008

O R D E R

We have heard learned counsel for the parties.

The land acquisition proceedings had been initiated by issuance of Notification under Section 4 of the Land Acquisition Act, 1894 (in short, 'the Act') on 09.09.1995 seeking to acquire 5600 square meters of land for the public purpose of Urban Water Supply Project at Silvassa. The respondent had filed objections before the Land Acquisition Collector. An inquiry under Section 5A of the Act was conducted. However, the objections raised by the respondent were rejected by the Land Acquisition Collector while submitting a report, as required under Section 5A of the Act.

The declaration under Section 6 of the Act was issued on 1.6.2006 that the lands were required for the public purpose of Urban Water Supply Project at Silvassa. However, before the

Award was passed, the respondent approached the High Court challenging the Notification issued under Section 4 and declaration under Section 6 of the Act.

The High Court, vide its impugned order dated 14.11.2006, appointed Expert Committee to undertake a study as regards the suitability of the lands for the public purpose of Urban Water Supply Project at Silvasa.

In our opinion, the High Court has exceeded its jurisdiction while appointing Expert Committee so as to ascertain the suitability, which had been adjudged on the basis of the survey made by the officers after notification was issued under Section 4. That exercise had been done and objections were considered in the inquiry held under Section 5A of the Act. There was no question of appointing Expert Committee. The High Court had not looked into the report and decision thereupon taken under Section 5A and unnecessarily appointed Expert Committee. The High Court could not have acted like appellate authority.

In the facts and circumstances of the case, we are inclined to set aside the impugned order(s) passed by the High Court.

It has been submitted by the learned counsel for the respondent that, by now, the land is no more required. We refrain to comment on the said aspect.

The appeals are, accordingly, allowed. The impugned order(s) passed by the High Court is set aside.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGODAR)

NEW DELHI,
SEPTEMBER 12, 2017.

ITEM NO.105

COURT NO.10

SECTION IX

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

Civil Appeal No(s). 3530-3531/2008

UNION TERRITORY OF DADRA AND NAGAR HAVELI,
AND ANOTHER

...APPELLANT(S)

Versus

CHANDRASINGH RAMSINGH PARMAR

...RESPONDENT(S)

WITH

C.A. No. 3522/2008 (IX)

Date : 12-09-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s)

Ms. Priyanka Das, Adv.
Mr. Raj Bahadur, Adv.
Mr. R.R. Rajesh, Adv.
Mr. Kuldeep Chauhan, Adv.
Mr. Vibhu Shanker Mishra, Adv.
Mr. B.V. Balram Das, Adv.
Mr. D. S. Mahra, AOR

For Respondent(s)

Ms. Astha Deep, Adv.
Mr. Brij Kishore Shah, Adv.
For Mr. Shivaji M. Jadhav, AOR

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

These appeals are allowed in terms of the signed order.

(SUKHBIR PAUL KAUR)
AR CUM PS

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER

(Signed order is placed on the file)