

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1930 OF 2012

B. Anjanappa & Ors. .. Appellant(s)

Versus

Vyalikaval House Building .. Respondent(s)  
Co-Operative Society Ltd. & Ors.

WITH

CIVIL APPEAL NO. 1931 of 2012  
CIVIL APPEAL NO. 1932 of 2012  
CONTEMPT PETITION (CIVIL) NO D. 27836 OF 2012

IN

CIVIL APPEAL NOS. 1930-1932 OF 2012

AND

CONTEMPT PETITION (CIVIL) NO D.27891 OF 2012  
IN

CIVIL APPEAL NOS. 2086-2087 OF 2004

O R D E R

CIVIL APPEAL NOS.1930, 1931 AND 1932 OF 2012

1. These appeals are directed against the judgment and order passed by the Division Bench of the High Court of Karnataka at Bangalore in Writ Appeal No. 2532 of 2004 and connected matters, dated 06.10.2005. By the impugned judgment and order, the Division Bench of the High Court has confirmed the judgment and order passed by the learned Single Judge in Writ Petition No. 27205 of 2001, dated 09.03.2004.

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2. The acquiring authority had acquired an extent of 165 acres 30 guntas of land situated at Nagavara village for the benefit of a society named Vyalikaval House Building Co-operative Society Limited (for short, 'the society'). Some of the land owners who had an interest in about 52 acres and 17 guntas of land had approached the High Court, inter alia, questioning

the notifications issued by the State Government under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the Act'). The learned Single Judge had allowed the aforesaid Writ Petition and quashed the notifications issued by the State Government for acquiring land to the extent of 52 acres and 17 guntas. It is apropos to mention here that the learned Judge had not quashed the entire notification

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but only that part of the notification wherein the land owners had questioned the acquisition of lands to the extent of 52 acres and 17 guntas. The order so passed was confirmed by the Division Bench of the High Court.

3. The Society had approached the State Government, inter alia, contending that in order to complete the project they would require the lands that were notified earlier and quashed later by the Court and accordingly requested the State Government to issue fresh notifications under Sections 4 and 6 of the Act to acquire the aforesaid extent of land so as to facilitate completion of the project. Pursuant to the said request, the State Government had issued fresh notifications under Section 4 of the Act, dated 28.07.1999. For the reasons best known, the State Government thought it fit to withdraw the aforesaid notification by order dated 04.06.2001.

4. Aggrieved by the action of the State Government, the

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Society had approached the learned Single Judge in Writ Petition No. 27205 of 2001. The learned Single Judge had allowed the Writ Petition and directed the State Government to proceed with the acquisition of

lands pertaining to 52 acres and 17 guntas and complete the acquisition proceedings by issuing notification under Section 6 of the Act and other requirements under the Act by judgment dated 09.03.2004.

5. Aggrieved by the direction so issued by the learned Single Judge, the land owners had approached the Division Bench of the High Court. The Division Bench had dismissed the appeal and thereby confirmed the judgment and order passed by the learned Single Judge.

6. Being aggrieved by the judgment and order so passed by the Division Bench of the High Court the land owners were before us in Civil Appeal No. 1930 of 2012 and connected matters. By order dated

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07.02.2012, reported as B. Anjanappa and Ors. vs.

Vyalikaval House Building Cooperative Society Limited

and Ors., (2012) 10 SCC 184, this Court while disposing of these Civil Appeals had issued the following directions to the respondent No.1 herein- the society, which read as under:

".....

26. In the result, the appeals are allowed. The impugned judgment as also the order passed by the learned Single Judge are set aside and the writ petition filed by Respondent No.1 is dismissed.

27. If Respondent No. 1 is in possession of the acquired land or any portion thereof, then the same shall be returned to the land owners concerned within a period of two months from today. This direction shall apply not only qua the appellants but other land owners who may not have filed writ appeals or the special leave petitions, may be due to poverty, illiteracy or ignorance. However, it is made clear that the abovementioned directions shall not apply to such of the land owners who have withdrawn the special leave

petitions. If any of the land owners has received compensation from the State, then the latter shall be free to recover the same in accordance with law.

28. Respondent No. 1 is directed to submit a report to this Court within three

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months showing compliance with the aforementioned directions. The Registry shall then list the matter before the Bench."

7. Pursuant to the aforesaid directions, the respondent No.1-Society has filed its 'compliance report'.
8. In reply to the said report, the appellants in these civil appeals have filed their detailed objections.
9. Smt. Kiran Suri, learned senior counsel appearing for the appellants would submit that the respondents have not complied with the orders and directions issued by this Court.
10. Per contra, Dr. A.M. Singhvi, learned senior counsel appearing for the respondent No.1-Society would strongly object to the contention so asserted by the learned senior counsel for the appellants and submit that they have expressed their inability to comply with the orders and directions issued by this Court in view of the fact that the society is not in possession of the land/(s) or plots.  
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11. After hearing learned senior counsel for the parties to the lis, firstly, it appears to us that there is a serious dispute with regard to the extent of land/(s) which is the subject matter in these appeals. Therefore, we intend to clarify that this Court in the case of B. Anjanappa (supra) has confined the land/(s) in dispute to 52 acres and 17 guntas only.

This fact is also endorsed by the State Government in its proceedings dated July, 2012. The annexure to the Government Order clearly identifies the survey numbers and corresponding extent of lands which are the subject matter of these appeals. We confirm the same.

12. Secondly, the submissions canvassed by the learned senior counsel are only disputed facts which we are not inclined to entertain and enquire in these proceedings. Therefore, we only take on record the 'compliance report' filed by the respondent No.1- society and grant liberty to the appellants, if they

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so desire, to agitate their grievance, if any, before an appropriate forum.

13. We clarify that if such an application/petition/appeal is filed, the concerned Court/authority will consider and decide the same in accordance with law.

14. No further orders are required in these appeals.

15. Before parting with the case, we record the statement made by Smt. Suri that insofar as the remaining extent of the lands acquired, the same has been handed over to the land owners way back in the year 1999. The same is disputed by the other side. We do not intend to deliberate on this issue since the same was not an issue while this Court considered these appeals.

I.A. NO. 8 in CIVIL APPEAL No.1930 of 2012

In view of order passed in Civil appeal Nos.1930, 1931 and 1932 of 2012, Shri Guru Krishna Kumar, learned



1930-1932 OF 2012

CONTEMPT PETITION (CIVIL) NO. D27891 OF 2012 IN C.A. NOS.  
2086-2087 OF 2004

Date: 24/04/2014 These appeals/petitions were called  
on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Appellant(s) Ms. Kiran Suri, Sr. Adv.  
Mr. S.J. Amith, Adv.  
Dr.(Mrs.) Vipin Gupta, Adv.  
Ms. Ritika Gambir, Adv.

Mr. Rajesh Mahale, Adv.

For Respondent(s) Mr. A.M. Singhvi, Sr. Adv.  
Mr. S.N. Bhat, Adv.  
Mr. K. Suman, Adv.

Mr. V.N. Raghupathy ,Adv  
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Mr. T.V. Ratnam, Adv  
Ms. Rajni K. Prasad, Adv.  
Ms. Sunita Rani Singh, Adv.

Mr. Dharam Bir Raj Vohra, Adv.

For Applicant(s) Mr. Guru Krishna Kumar, Sr. Adv.  
In I.A. No. 8 Mr. Nishanth Patil, Adv.  
Mr. Rohit Sharma, Adv.  
Mr. Dipiyan, Adv.  
Mr. B. Subrahmanya Prasad, Adv.  
Mr. Amarjeet Singh, Adv.

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

No further orders are required in C.A. Nos.  
1930, 1931 and 1932 of 2012.

I.A. No. 8 is disposed of as withdrawn in  
view of order passed in the afore-mentioned appeals.

In Contempt Petitions

The contempt petitions are disposed of as  
withdrawn in terms of the signed order.

[ Charanjeet Kaur ]  
Court Master

[ Vinod Kulvi ]  
Asstt. Registrar

[ Signed order is placed on the file ]