

ÀITEM NO.104

COURT NO.13

SECTION XIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2613 OF 2006

ANSAR ALLI & ANR.

Appellant (s)

VERSUS

STATE OF ORISSA & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents,  
PERMISSION TO FILE SUPPLEMENTARY ADDITIONAL COUNTER  
AFFIDAVIT,exemption from filing O.T. of the additional documents  
and with office report ) )

Date: 27/04/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY  
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Appellant(s)

Mr. Radha Shyam Jena,Adv.

For Respondent(s)

Mr. Avijeet Bhujabal, Adv.  
Mr. P.P. Nayak, Adv.  
Mr. Parmanand Gaur ,Adv

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

The appeal is disposed of in terms of the signed  
order.

(Sukhbir Paul Kaur)  
Court Master

(Renuka Sadana)  
Court Master

(Signed Order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2613 OF 2006

ANSAR ALLI AND ANR.

Appellant(s)

Versus

STATE OF ORISSA AND ORS.

Respondent(s)

O R D E R

Heard learned counsel for the parties.

In this appeal, at the time of issuing notice  
in the Special Leave Petition, issue was confined to  
the limited question by the order of this Court dated

16.4.2004. The said order is set out below :-

"Issue notice limited to the question of payment of compensation under Section 17 of the Land Acquisition Act, 1894."

This is not in dispute that while acquiring the land in question the provisions of Section 17 of the Land Acquisition Act were invoked. The grievance of the appellants in this appeal seems to be that while invoking Section 17, the payment required to be made under Section 17(3)(a) was not made.

Now from the affidavit filed in this proceeding, it appears that the Government has deposited some amount with the Revenue Department. In

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that view, we dispose of this appeal by the following directions :-

1. The respondent shall pay, by way of an Award, to the appellant the amount which has been deposited in the Revenue Department.
2. The appellants shall accept the same without prejudice to the rights and conditions to challenge the same by appropriate reference proceedings under Section 18 of the Act. If such reference proceeding is initiated, the same should be disposed of as early as possible.

It is open to the appellants to raise all questions.

The appeal is disposed of with the above directions.

All questions raised here are kept open.

.....J.  
(ASOK KUMAR GANGULY)

.....J.  
(SWATANTER KUMAR)

New Delhi,  
April 27, 2011