

ITEM NO.1

COURT NO.2

SECTION XVI

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

RECORD OF PROCEEDINGS

IA 1 in CIVIL APPEAL NO. 6756 OF 2003

DAULAT SINGH SURANA & ORS.

Appellant (s)

VERSUS

FIRST LAND ACQUISITION COLLECTOR & ORS.

Respondent(s)

(With appln(s) for directions and office report)

Date: 11/07/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

HON'BLE MR. JUSTICE D.K. JAIN

For Appellant(s)

Mr.Mukul Rohtagi, Sr.Adv.

Mr.U.U.Lalit, Sr.Adv.

Mr.Sanjeev Sen, Adv.

Mr.J.P.Pandey, Adv.

Mr. Rajan Narain,Adv.

For Respondent(s)

Mr.Altaf Ahmed, Sr.Adv.

Mr.D.K.Garg, Adv.

Mr. Satish Vig, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appellants herein are the petitioners in the present I.A. The appellants are the

owners of a building in Pretoria Street in Calcutta, with the appurtenant land having an extent of 0.2423

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acres. The Government of West Bengal issued Section 4(1) Notification for acquisition of this land on

13.12.1994 and latter issued Section 6 declaration on 23.06.1995. Both Section 4 Notification and Section

6 Notification were challenged by the appellants and that challenge was upheld by a Single Judge of the

Calcutta High Court. The Division Bench in the appeal preferred against the same, reversed the finding

and upheld the validity of Section 4 declaration as well as Section 6 declaration. Aggrieved by the same,

the appellants have preferred this appeal and this application.

The bungalow in which the property was situated is being occupied by the Police

Department, West Bengal. The dispute arose as to the quantum of amount to be paid towards damages

for use and occupation and a Special Valuer was appointed by this Court to fix the rental that had to be

paid from 1986 to 2004. The Special Valuer valued the damages at Rs.5,52,70,000/-. The appellants-

petitioners contended that they were entitled to get Rs.7.38 crores. The Government approved

valuer -

Mr.S.N.Sood- meanwhile assessed the damages for use and occupation for this period at Rs.91 lacs and

the respondent Government so far paid Rs.90 lacs. From 2004 onwards the respondents have not paid

any other amount except the amount already paid i.e. Rs.90 lacs.

Learned senior counsel for the appellants-petitioners urged that they are entitled to get

Rs.5,52,70,000/- as determined by the Special Valuer but this issue is disputed by learned senior counsel

for the respondent. As there are conflicting reports regarding the amount payable to the petitioners

towards damages for use and occupation, we do not propose to determine this. However, having regard

to the fact that the respondent is in possession of the bungalow which is situated in the heart of the city of

Calcutta, in the interest of justice, we direct that the respondent to deposit an amount of Rs.25 lacs to the

appellants-petitioners within 8 weeks and shall continue to pay the rental @ Rs.3 lacs from 1st July, 2006

till the final disposal of the appeal. We make it clear that this determination of the quantum of damages

for which notification is sought is subject to determination by any other authority. The parties would be at

liberty to have recourse to other remedies. In case in any other proceedings the determination is

furthered the amount already paid by the respondents would be adjusted towards the damages for use

and occupation. We also make it clear that the parties on either side will not press for the question of

limitation in case of any litigation resorted to by the petitioners in this case.

I.A.No.1 is accordingly disposed of.

We request the Chief Justice of India to post the appeal at an early date preferably in the

4th week of September, 2006.

(G.V.Ramana)

Court Master

(Khushi Ram)

Court Master