

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). 1423 OF 2013

RAJIV JAIN & ORS.

Appellant(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

WITH
CIVIL APPEAL No(s). 1436 OF 2013

CIVIL APPEAL No(s). 1424 OF 2013

O R D E R

IN CIVIL APPEAL No(s). 1423 & 1424 OF 2013

No ground is made out so as to interfere with the impugned judgment, since the Award has been passed, possession has been taken and the development has taken place.

The provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'the 2013 Act') also does not come to rescue of the appellant. Since the reference had been sought under Section 18 of the Land Acquisition Act, 1894, it is open to the appellants to pursue the same. Decision of Pune Municipal Corporation & Anr. vs. Harakchand Misirimal Solanki & Ors. [2014(3) SCC 183] is not applicable in the facts and circumstances of this case.

In the instant cases, it was open to the appellants to receive the compensation under the protest before Land Acquisition Officer and to seek the reference for its enhancement. Since the appellants have sought the reference for enhancement of compensation, in case they have not received compensation they themselves are responsible for it. It is open to them to ask reference court for disbursement in case award has been passed.

Consequently, the appeals are dismissed.

CIVIL APPEAL No(s). 1436 OF 2013

No ground for interference with the impugned order is made out. Consequently, in the facts and

circumstances of the case, the appeal is dismissed leaving the question of law open. It is made clear that order not be treated as precedent in any other case.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;
AUGUST 03, 2017

ITEM NO.113

COURT NO.11

SECTION III-A

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). 1423/2013

RAJIV JAIN . & ORS.

Appellant(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

WITH

C.A. No. 1436/2013 (III-A)

C.A. No. 1424/2013 (III-A)

Date : 03-08-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s)

Mr. Ravindra Kumar, AOR

Mr. Pankaj Bhatia, Adv.

Mr. Nipun Goel, Adv.

Mr. T. Mahipal, AOR

For Respondent(s)

Mr. Mukesh K. Giri, AOR

Mr. Garvesh Kabra, AOR

Mr. Ravindra Kumar, AOR

Mr. Vinay Garg, AOR

Mr. Gaurav Srivastava, Adv.

Ms. Deepam Garg, Adv.

Ms. Pareena Swaroop, Adv.

Mr. Gaurav Srivastava, Adv.

Mr. Anuvrat Sharma, AOR

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

IN CIVIL APPEAL No(s). 1423 & 1424 OF 2013

The appeals are dismissed in terms of the signed order.

IN CIVIL APPEAL No(s). 1436 OF 2013

The appeal is dismissed in terms of the signed order.
Pending application, if any shall stand disposed of.

(NEELAM GULATI)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER