

ITEM NO.51

COURT NO.11

SECTION IVA

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

Petition(s) for Special Leave to Appeal (C) No(s). 14737/2013

(Arising out of impugned final judgment and order dated 03/10/2012 in CCC No. 4045/2012 passed by the High Court Of Karnataka, Circuit Bench At Gulbarga)

SHOMARAYA & ORS.

Petitioner(s)

VERSUS

IBRAHIM MAIBUR, I/C OF SLAO,
DEVADURGA

Respondent(s)

Date : 04/08/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s) Mr. Guntur Prabhakar ,Adv.

For Respondent(s) Mr. V. N. Raghupathy ,Adv.

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

Heard learned counsel for the parties.
Leave granted.

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

(MADHU BALA)
COURT MASTER
(Signed order is placed on the file)

(SNEH LATA SHARMA)
COURT MASTER

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7426 OF 2014
(SPECIAL LEAVE PETITION (C) NO. 14737 OF 2013)

SHOMARAYA & ORS.

...APPELLANT(S)

VERSUS

IMBRAHIM MAIBUR, INCHARGE,
SPECIAL LAND ACQUISITION, OFFICER, DEVADURGA

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

Leave granted.

A reading of the order dated 03.10.2012 challenged in the present appeal would indicate that the High Court while dismissing the Contempt Petition by its aforesaid order did not consider the direction made by the learned Single Judge in the order dated 14.07.2011 in respect of which disobedience/violation was alleged. The said order dated 14.07.2011 is in the following terms:

"If the petitioners have submitted the application under Section 28(A) of the Land Acquisition Act, within the time prescribed before the concerned authority, against the order of the reference Court, the same shall be considered in accordance with law by the respondent-authorities at the earliest after verifying as to whether the said application has been filed within the limitation period".

...2/-

The High Court without going into the issue with regard to the applications under Section 28(A) of the Land Acquisition Act dismissed the contempt petition on the ground that the appellants had already taken their dues under the consent award. This is not what the High court was required to do in the exercise of its contempt jurisdiction. We, therefore, set aside the order dated 03.10.2012 passed by the High Court and remand the matter to the High Court for a fresh consideration on merits.

The appeal is disposed of in the above terms.

.....J.
[RANJAN GOGOI]

NEW DELHI
4TH AUGUST, 2014

.....J.
[M.Y. EQBAL]