

ITEM NO.1502

COURT NO.9

SECTION XV

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).8411/2014

URBAN IMPROVEMENT TRUST BIKANER

Appellant(s)

VERSUS

GORDHAN DASS(D) THROUGH LRS. & ORS.

Respondent(s)

([HEARD BY: HON. HRISHIKESH ROY AND HON. MANOJ MISRA, JJ.])

Date : 19-10-2023 This appeal was called on for pronouncement of judgment today.

For Appellant(s) Mr. Rajeev Singh, AOR

For Respondent(s) Mr. Rishi Matoliya, AOR

O R D E R

Hon'ble Mr. Justice Hrishikesh Roy pronounced the reportable judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Manoj Misra:-

The operative portion of the judgment is reproduced hereinbelow:-

“41. Noticing the departure from the due process by the authorities, relief was granted to the land owners. No infirmity is thus seen with those verdicts which invalidated the acquisition process. The impugned judgment of the High Court therefore merits this Court's approval.

42. The appellant i.e., the Urban Improvement Trust however claims to have developed the balance 2 bighas for the purpose of the Jai Naryan Vyas Yojana and divided it into plots. Therefore, considering the public interest and balancing the equity, it is clarified that notwithstanding the findings in this judgment, if the authorities wish to, they may even now acquire the land by following the due process of law.

43. The appeal is accordingly dismissed leaving the parties to bear

their own cost.”

Hon’ble Mr. Justice Manoj Misra pronounced the dissenting reportable judgment of the Bench comprising Mr. Justice Hrishikesh Roy and His Lordshp:-

The operative portion of the judgment is reproduced hereinbelow:-

“74. As I have found the suit not maintainable insofar as it related to the land covered by the acquisition notification and also barred by Section 207 read with Section 256 of the Rajasthan Tenancy Act, 1955, the defendant’s appeal is entitled to be allowed and is hereby allowed. The judgment and decree of the High Court as well as of the First Appellate Court are set aside and the decree passed by the Trial Court is restored.”

In view of the difference of opinions and the distinguishing judgments (Justice Hrishikesh Roy dismissing the appeal and Justice Manoj Misra allowing the appeal), the Registry is directed to place the matter before Hon’ble the Chief Justice of India for referring the matter to a larger Bench.

(DEEPAK JOSHI)

COURT MASTER (SH)

(Two separate Signed Reportable Judgments alongwith signed order is placed on the File)

(KAMLESH RAWAT)

ASSISTANT REGISTRAR