

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
IA 2/2010 in CIVIL APPEAL NO. 5742 OF 2005

CHENNAI METROPOLITAN DEVELOPMENT AUTH. Appellant (s)

VERSUS

P.R. BASHYAM & ANR. Respondent(s)

(With appln(s) for directions/dismissal of appeal
and office report)

Date: 29/03/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s)

Mr. T. Harish Kumar,Adv.

For Respondent(s)

Mr.Kailash Vasdev,Sr.Adv.,
Mr.Abhiske Anand,Adv.,
Mr.V. Balaji,Adv.,
Mr.Rakesh K. Sharma,Adv.

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

The appeal is allowed. Impugned judgment of the Division Bench of the High Court as also the order passed by the learned Single Judge are set aside with liberty to respondent No.1 to make fresh representation to the competent authority for reconveyance of their land in terms of Section 48B of the Act.

As a sequel to disposal of the main appeal, I.A.No.2 is also disposed of.

(V.K.Sharma)
AR-cum-PS

(Phoolan Wati Arora)
Court Master

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

CIVIL APPEAL NO.5742 OF 2005

With

I.A.No.2 of 2010

Chennai Metropolitan Development Authority

.. Appellant

Versus

P.R. Bashyam and another

Respondent(s)

O R D E R

1. This appeal is directed against judgment dated
18.1.2005 of the Division Bench of the Madras High

Court whereby the writ appeal preferred by the appellant against the order of the learned Single Judge directing reconveyance of the land of the respondents was dismissed.

2. It is borne out from the record that during the pendency of the appeal, the respondent No.1 filed I.A.No.2/2010 with the prayer that the appeal be dismissed because in similar cases, the special leave petitions filed by the Commissioner, Corporation of Chennai, Tamil Nadu Housing Board and its functionaries and the State of Tamil Nadu have already been dismissed by this Court.

3. On 26.3.2010, the Court passed the following order:

"Heard learned counsel for respondent No.1 on the application filed by him for dismissal of the appeal.

During the course of hearing, we pointed out to the learned counsel that the issue raised in the appeal is substantially covered by judgment dated 29.1.2010 pronounced in Civil Appeal Nos.3148-3149 of 2002 (Tamil Nadu Housing Board versus L. Chandrasekaran and Others). Upon this, learned counsel made a request for two days' time to study the case.

For further arguments, the case be listed on 29.3.2010."

4. At the commencement of hearing of the main appeal, learned senior counsel appearing for the respondent No.1 made a request that his client may be permitted to withdraw the writ petition with liberty to approach the State Government to consider fresh representation to be made by him for release of land in terms of Section 48B of the Land Acquisition Act as amended by the State of Tamil Nadu.

5. In our view, the request made by the learned counsel for the respondent No.1 is reasonable and merits acceptance. Consequently, while allowing the appeal and setting aside the impugned judgment of the Division Bench of the High Court as also the order passed by the learned Single Judge, liberty is given to respondent No.1 to make fresh representation to the competent authority for

reconveyance of their land in terms of Section 48B of the Act. It is hoped that the representation, if

any, to be made by respondent No.1 will be decided by the competent authority at an early date.

6. As a sequel to disposal of the main appeal, I.A.No.2 of 2010 is also disposed of.

.....J
(G.S. Singhvi)

.....J
(Asok Kumar Ganguly)

New Delhi,
March 29, 2010