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SLP(C)... 6897 OF 2003
ITEM No.14

Court No. 7

SECTION IX

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(Civil).CC..6897/2003

(From the judgement and order dated 05/10/2002 in WP 85/92 and CA 2096/03
of The HIGH COURT OF BOMBAY AT AURANGABAD)

IRESHAPPA

Petitioner (s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent (s)

(With Appln(s). for c/delay in filing SLP)
(With Office Report)

Date : 18/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s)

Mr. S.V. Deshpande, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

The petitioner's claim that despite an undertaking to Court given by the respondents to acquire the entirety of the two hectares of petitioner's land of which possession had been taken by the respondents as far back in 1970, the respondents have only acquired a portion of 70 ares leaving the balance 1.30 hectares unacquired. The High Court has determined compensation payable by the respondents in respect of the balance 1.30 hectare tentatively on the basis of the Award passed in respect of .70 hectares.

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According to the petitioner unless a notification is issued under Sec.4 of the Land Acquisition Act in respect of 1.30 hectares, there was no question of determination of compensation and that in any event the compensation should not be decided with reference to the date of the acquisition proceedings in respect of the .70 hectares since that had taken place in 1988.

Issue notice. The petitioners are at liberty to accept any amount that may be admittedly due and paid by the respondents by virtue of the decision of any Fora below without prejudice to their contentions and subject to the outcome of this appeal.

[SUMAN WADHWA][MADHU SAXENA)
COURT MASTER COURT MASTER