

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.14182/2004

(From the judgment & order dated 17/02/2004 in SCA 1486/1979
of the High Court of Gujarat at Ahmedabad)

PRAVINSINHJI KARANSINHJI JEDEJA

Petitioner (s)

VERSUS

STATE OF GUJARAT

Respondent (s)

(With Appln(s). for exemption from filing O.T. and permission to
submit additional documents and substitution of deceased petitioner
and with prayer for interim relief)

W I T H

SLP(C)No.14245/2004, SLP(C)No.14248/2004, SLP(C)No.14249/2004,

(With Appln(s). for exemption from filing O.T. and permission to
submit additional documents and with prayer for interim relief)

SLP(C)No.14940/2004, SLP(C)No.14946/2004, SLP(C)No.14947/2004,
SLP(C)No.14949/2004, SLP(C)No.14950/2004, SLP(C)No.14965/2004,
SLP(C)No.14993/2004, SLP(C)No.15020/2004, SLP(C)No.15022/2004,

(With Appln(s). for exemption from filing O.T. and with prayer
for interim relief)

SLP(C)No.15029/2004

(With Appln(s). for exemption from filing O.T. and exemption from
filing c/c of the impugned judgment and with prayer for interim relief)

SLP(C)...CC 6359/2004, SLP(C)...CC 6361/2004,
SLP(C)...CC 6364/2004, SLP(C)...CC 6366/2004, SLP(C)...CC 6367/2004,
SLP(C)...CC 6368/2004, SLP(C)...CC 6404/2004, SLP(C)...CC 6420/2004

(For permission to file SLPs. and substitution of deceased petitioner
and with prayer for interim relief)

(FOR FINAL DISPOSAL)

Date : 01/11/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE S.H. KAPADIA

Contd....2/-

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For Petitioner (s) Mr. K.K. Venuogpal, Sr.Adv.
Mr. C.A. Sundaram, Sr.Adv.
Mr. Harin P. Raval, Adv.
Mr. E. Venu Kumar, Adv.
Mr. Shrinivas R. Khalap, Adv.
Mr. Harshad V. Hameed, Adv.
Mr. Huzefa Ahmed, Adv.
Mr. Anip Sachthey, Adv.

For Respondent (s)/Mr. Dushyant Dave, Sr.Adv.
CaveatorMrs. Archana Palkar Khopde,Adv.
Ms. Hemantika Wahi,Adv.

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

Heard.

Substitution allowed.

These matters inter-alia involve challenge to inclusion of the concerned Statute in the IXth Schedule to the Constitution of India, 1950. It appears that in I.R. Coelho (Dead) by L.Rs.Vs. State of Tamil Nadu (1999 (7) SCC 580), the matter has been referred to a larger Bench. It would be appropriate that these matters are also heard along with the matters referred to the larger Bench in I.R. Coelho's case (supra).

As an interim measure, we direct that the State would be free to proceed with the determination of ceiling surplus land and pass final orders in the concerned proceedings, but the same shall not be given effect to. At the same time, the petitioners are restrained from changing the nature and character of the land, creating third party rights, including alienations. The petitioners shall maintain accounts of any income that is being or shall be earned from the lands in question.

(Neena Verma) (Vijay Aggarwal)
Court Master Court Master