

1. Leave granted.

2. We have heard learned senior counsel appearing for the parties at a considerable length.

3. Mr. Jaideep Gupta, learned senior counsel appearing for the appellants seeks permission to withdraw this appeal with liberty to file an application for Reference to the Collector as the appellants have already lost the land and the challenge to the land acquisition has also met with the dismissal.

4. There can be no dispute that if such an application is filed, same would be hopelessly barred by limitation.

5. Mr. Gupta further states that the appellants have lost the land and unlike others whose lands are involved in the Town Planning Scheme, appellants have not been allotted any alternative land also. Thereby the appellants suffered on both counts, in the sense that neither they have
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received any adequate compensation under the land acquisition proceedings nor they have been allotted any alternate plot.

6. We can see the grievance on the part of the appellants who have lost their valuable land measuring 10,000 sq. meters approximately.

7. After considering all the factors and in the peculiar circumstances of this case, we feel that it will be proper to allow the appellants to file an application for Reference to the Collector. We permit the appellants to file an application for Reference under our jurisdiction under Article 142 of the Constitution of India. The said application shall be made within three weeks from today. The non-filing of the aforesaid application within the stipulated time shall be treated as dismissal of this appeal. However, this shall not be treated as a precedent.

8. All the contentions regarding the adequate

compensation shall remain open to both the parties.

9. The appeal is dismissed as withdrawn.

.....J.
(V.S.SIRPURKAR)

(T.S.THAKUR)

.....J.

New Delhi,
December 08, 2010.