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SLP(C)No. 11103 OF 2003
ITEM No.55

Court No. 5

SECTION XI
A/N MATTER

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.11103/2003
(From the judgement and order dated 25/03/2003 in FA 356/03
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MEERUT DEVELOPMENT AUTHORITY

Petitioner (s)

VERSUS

VILAS BHUSAN & ANR.

Respondent (s)

(With Appln(s). for exemption from filing O.T. and clarification of
this Court's order dated 25.07.2003 and with prayer for interim relief)

With

SLP(C)No.11202/2003, SLP(C)No.11208/2003, SLP(C)No.11209/2003,
SLP(C)No.11230/2003, SLP(C)No.11280/2003, SLP(C)No.11316/2003,
SLP(C)No.11317/2003, SLP(C)No.11385/2003, SLP(C)No.11766/2003,
SLP(C)No.13101/2003, SLP(C)No.13166/2003 and SLP(C)No.13168/2003

(With Appln(s). for exemption from filing O.T. and clarification of
this Court's order dated 25.07.2003 and with prayer for interim relief)

SLP(C)No.13352/2003, SLP(C)No.13373/2003, SLP(C)No.13379/2003,
SLP(C)No.13380/2003, SLP(C)No.13763/2003, SLP(C)No.13774/2003
SLP(C)No.14394/2003, SLP(C)No.13398/2003, SLP(C)No.13421/2003,
SLP(C)No.13579/2003, SLP(C)No.13586/2003, SLP(C)No.13618/2003,
SLP(C)No.13645/2003, SLP(C)No.13654/2003, SLP(C)No.13758/2003,
SLP(C)No.13759/2003, SLP(C)No.13764/2003, SLP(C)No.13766/2003,
SLP(C)No.13776/2003, SLP(C)No.13777/2003 and SLP(C)No.13428/2003

(With Appln(s). for exemption from filing O.T. and clarification of
this Court's order dated 08/08/2003 and with prayer for interim relief)

SLP(C)No.14919/2003

(With Appln(s). for clarification of this Court's order dated 25/08/2003
and with prayer for interim relief and office report)

Date : 17/11/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

contd...2/-

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For Petitioner (s)Mr. M.N. Krishnamani, Sr.Adv.
Mr. Sudhir Kulshreshtha, Adv.

Mr. Sudhir Nandrajog, Adv.

For Respondent (s)Mr. Ravi Prakash Mehrotra, Adv.
Mr. Mukesh Verma, Adv.
Mr. Garvesh Kabra, Adv.

Mr. Jitendra Mohan Sharma, Adv.

Mr. N.M. Popli, Adv.

Mrs. B. Sunita Rao, Adv.

Mr. Himanshu Gupta, Adv.

Mr. S.M. Jadhav, Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed order.

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

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9071 OF 2003

(Arising out of Special Leave Petition @ No.11103 of 2003)

Meerut Development Authority..... Appellant

Versus

Vilas Bhushan and Anr..... Respondents

WITH

CIVIL APPEAL NOS. 9072 - 9105 OF 2003

(Arising out of Special Leave Petition @ Nos.11209, 11208,
11202, 11317, 11316, 11230, 11280, 11385, 11766, 13168, 13166,
13101, 13352, 13373, 13379, 13380, 13398, 13421, 13579, 13586,
13618, 13645, 13654, 13758, 13759, 13763, 13764, 13766, 13774,
13776, 13777, 14394, 14919 & 13428 of 2003)

O R D E R

Leave granted.

Heard the learned senior counsel for the appellants and the learned counsel appearing for the respondents.

In these batch of appeals as against valuation determined by the Land Acquisition Officer in the Award at Rs.30 per square yard, the reference court enhanced the same to Rs.126 per square yard in addition to the usual solatium, interest and benefit under Section 23(1-A). On appeals filed in the High Court, it is seen from the materials on record that different Benches of the High Court seem to have passed different interim orders without their notice being drawn to one or the other of the orders passed by the other Bench, in these batch of appeals.

Of the three different categories of orders, one is said to have been for the appellant to deposit of the whole enhanced amount of compensation with permission to the claimants withdraw the same by furnishing security for the entire amount. The second category of order seems to have been made with a direction to deposit 50% with liberty granted the claimants to withdraw 25% without furnishing security and another 25% with security. In the third category of order, it is stated that 50% has been directed to be deposited and the entire of the 50% was permitted to be withdrawn without furnishing security. Having regard to the quantum of increase and taking into account the balance of convenience and interest of all parties concerned, we are of the view that the different kinds of interim orders passed in the same batch of cases by the High Court, as noticed supra requires suitable modification to make them uniform and also sufficiently safeguard the interests of both parties. Consequently, all the above orders shall stand modified to the following extent and be read as hereunder:-

i) The stay ordered by the High Court shall be continued on condition that the 50% of the enhanced amount of compensation with proportionate interest and other statutory benefits due thereon shall be deposited, even if not already deposited, in any case, and if not deposited accurately, the same shall be deposited by making up the deficiency to the credit of the proceedings

before the Reference Court within four weeks from today. On such deposit, the claimants shall be at liberty to withdraw 25% of the enhanced compensation (half of the amount directed to be deposited) by this order, without furnishing security. The remaining half of the amount directed to be deposited by this order shall be invested in a nationalised bank in interest bearing deposits, initially for a duration of two years and keep the same periodically renewed pending disposal of the appeals by the High Court.

If there is any shortfall in the deposit already made or if no deposit was made in any case, the claimants shall be at liberty to execute the decree to the extent permitted for the 25% of the enhanced compensation with proportionate interest and other statutory benefits or for the recovery of the amount found deficient and falling short of such amount as has been permitted to be withdrawn by this order, after adjusting any sum, withdrawn by the claimants, in terms of the orders of the High Court or under orders of this Court, in the modified form.

The executing court shall, on the claimants moving it, shall proceed in execution to enable them to realise the amounts permitted to be withdrawn under these orders, notwithstanding the pendency of the appeals before the High Court.

Since the acquisition is of more than a decade old, the High Court may consider the question of expeditious hearing of the appeals to avoid further inconvenience to both parties keeping in view the dwindling fortune of the money value.

These appeals are finally disposed of on the above terms.

.....J.
(DORAISWAMY RAJU)

.....J.
(ARIJIT PASAYAT)
New Delhi,
November 17, 2003.