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SLP(C)No. 13457 OF 1999  
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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL Nos. of 2001@@  
EE  
[ arising out of SLP (C) Nos. 13457/1999 and 2627/2000 ]

State of West Bengal Appellant

VERSUS

Bireswar Dutta Estate Pvt. Ltd. Respondent

WITH

SPECIAL LEAVE PETITION NO. 14601 of 2000@@  
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CRIMINAL APPEAL Nos. of 2001@@  
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[ arising out of SLP (C) Nos. 13457/1999 and 2627/2000 ]

.SP2

Leave granted.

The subject matter of the litigation is the premises which is admittedly in the possession of State of West Bengal now.

A decree has been passed by the High Court for recovery of possession of the said premises from the State of West Bengal. That decree has subsequently been confirmed. In the meanwhile, State of West Bengal initiated proceedings under the Land Acquisition Act ('Act' for short) for acquiring the very same subject matter. The said acquisition proceedings reached the stage of passing of the award under the Act. Then the decree holders filed a writ petition in challenge of those ..2/-

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acquisition proceedings and the said writ petition is still pending before the High Court of Calcutta. We are told that an order of stay has been granted by the High Court that further proceedings pursuant to the award shall not be taken. The special leave petitions have been filed challenging the judgment by which the decree for eviction has been upheld. The owners of the land filed one special leave petition as they are aggrieved by a finding entered by the High Court in the impugned judgment holding that "the declaration made under Section 6 of the Land Acquisition Act is valid". The State of West Bengal is aggrieved by the impugned judgment in regard to the remaining findings and the State filed the other special leave petitions.

As the writ petition challenging the land acquisition

proceedings is now to be disposed of on merits by the High Court we put it to Mr. Altaf Ahmad, learned Addl. Solicitor General, who argues for the State of West Bengal, as to whether the question of validity of declaration under Section 6 of the Act can be directed to be considered by the High Court in the writ proceedings? He said that he has no objection in adopting the said course. We, therefore, vacate that part of the impugned judgment by which validity of the declaration under Section 6 of the Land Acquisition Act has been upheld. We do so without prejudice to the contentions of either side and now the said aspect will be decided by the High Court in the writ petition in accordance with law.

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We also direct status quo regarding possession of the premises in question to continue till the disposal of the above mentioned writ petition by the High Court.

Mr. A.K. Mitra, learned senior counsel for the party submitted at the Bar that a motion would be made before the High Court for expeditious disposal of the writ petition which is pending before the High Court. This is recorded.

Subject to the above observations these appeals are disposed of.

SLP (C) Nos. 14601/2000@@  
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List after 8 weeks.

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(K.T. THOMAS)@@  
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(R.P. SETHI)@@  
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(B.N. AGRAWAL)@@  
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NEW DELHI@@

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FEBRUARY 13, 2001 @@

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ITEM No.3

Court No. 5

SECTION XVI  
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.13457/1999  
(From the judgement and order dated 29/07/1999 in APD 827/98  
of The HIGH COURT OF CALCUTTA)

VERSUS

BIRESWAR DUTTA ESTATE PVT.LTD.  
(With prayer for interim relief)

Respondent (s)

( With Appln(s). for clarification/modification of court's order )  
(With Office Report)  
( For Final Disposal )

With

SLP(C)No.2627/2000  
( With Appln(s). for directions)  
(With prayer for interim relief)  
(With Office Report)  
( For Final Disposal )

and

SLP(C)No.14601/2000  
( With Appln(s). for permission to file rejoinder affidavit on  
behalf of the petitioner)  
(With prayer for interim relief)  
(With Office Report)  
( For Final Disposal )

Date : 13/02/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s)      Mr. Altaf Ahmad,ASG  
in 13457 & 14601      Mr. Tara Chandra Sharma,Adv.  
and for respdt.      Mr. Rajeev Sharma,Adv.  
in 2627                Mr. Ajay Sharma,Adv.  
                            Miss Pankhuri,Adv.  
                            Miss Neelam Sharma,Adv.

For Respondent (s)      Mr. A.K. Mitra,Sr.Adv.  
in 13457 & 14601      Mr. Bhaskar P. Gupta,Adv.  
and for petr. in      Mr. Rana Mukherjee,Adv.  
2627                    Mr. J. Kar,Adv.  
                            Mrs. Sumita Mukherjee,Adv.

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UPON hearing counsel the Court made the following

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SLP(C) Nos. 13457/1999 & 2627/2000@@  
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                            Leave granted.  
                            Appeals are disposed of in terms of the signed order.

SLP(C) No. 14601/2000@@  
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                            Delink.  
                            List after 8 weeks.

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(N.K. GOEL)

(H.K. BHATIA) @@

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COURT MASTER

COURT MASTER@@

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(Signed order is placed on the file)