

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2024
(arising out of SLP (Civil) No. 6449 of 2020)

FRANCIS APPELLANT(S)

VERSUS

STATE OF KERALA & ORS. RESPONDENT(S)

with

CIVIL APPEAL NO. 8291 OF 2013

and

CIVIL APPEAL NO. _____ 2024
(arising out of SLP(Civil) No. 6450 of 2020)

O R D E R

Leave granted in the special leave petitions.

The impugned judgments primarily rely upon the judgment dated 12.07.2010 passed by the High Court in L.A. App. No. 272/2010(C) and a connected matter. A copy of the said judgment was not placed on record by the appellant or the respondents.

In view of the aforesaid position, we had passed over the matter to enable the learned counsel for the parties to procure and place on record the judgment dated 12.07.2010.

A copy of the judgment dated 12.07.2010 in L.A. App. No. 272/2010(C) and a connected matter has been produced before us and we have perused the same. In the said case, it appears that there was some purchase agreement and pursuant to which compensation was

paid to some of the landowners, who had settled the matter. However, such settlement amount was not taken as the basis for awarding compensation to others. We have also perused paragraphs 7 and 8 of the judgment dated 12.07.2010, but are unable to decipher the basis for arriving at the figures mentioned in the said judgment.

The impugned judgments do not examine as to whether or not the land in question was identical to the land, which was subject matter of acquisition in L.A. App. No. 272/2010. We say so as there is complete silence on the part of the High Court and also for the reason that the figures mentioned in the judgment dated 12.07.2010 in L.A. App. No. 272/2010 are at variance with the figures mentioned in the impugned judgments.

In order to ensure that there is complete and effective adjudication, we set aside the impugned judgments with an order of remand to the High Court to examine the issue(s) afresh.

We clarify that we have not made any comments on the merits of the matter and the amount of compensation payable.

The appeals are allowed and disposed of in the above terms.

To cut short delay, parties are directed to appear before the High Court on 17.01.2025, when the date of hearing will be fixed.

Pending application(s), if any, shall stand disposed of.

.....CJI.
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

NEW DELHI;
NOVEMBER 27, 2024.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSPetition for Special Leave to Appeal (C) No. 6449/2020

[Arising out of impugned final judgment and order dated 11-01-2019 in LAAPP No. 534/2013 passed by the High Court of Kerala at Ernakulam]

FRANCIS

Petitioner(s)

VERSUS

STATE OF KERALA & ORS.

Respondent(s)

(IA No. 244503/2023 - CONDONATION OF DELAY IN FILING REJOINER and IA No. 244484/2023 - EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 8291/2013 (XI-A)SLP(C) No. 6450/2020 (XI-A)

Date : 27-11-2024 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s)

Mr. Dileep Poolakkot, Adv.
Mr. Muhammed Siddick, Adv.
Mr. Neeraj Shekhar, AOR
Mr. Rajesh Kumar Maurya, Adv.
Mrs. Kshama Sharma, Adv.
Mr. Chinmay Kumar, Adv.
Mr. Anand Krishna, Adv.
Ms. Kritika Sharma, Adv.

Mr. Abhishth Kumar, AOR
Ms. Bindu K Nair, Adv.
Mr. Vinayak Mohadas, Adv.

For Respondent(s)

Mr. V.K. Monga, AOR

Mr. C.K. Sasi, AOR
Ms. Meena K. Poullose, Adv.

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

Leave granted in the special leave petitions.

**The appeals are allowed and disposed of in terms of the signed
order.**

Pending application(s), if any, shall stand disposed of.

**(DEEPAK GUGLANI)
AR-CUM-PS**

**(R.S. NARAYANAN)
ASSISTANT REGISTRAR**