

ITEM NO.1&5

COURT NO.7

SECTION IV

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

IA Nos. 3-4 in CIVIL APPEAL NO(s). 4843 OF 2007

DEVINDER SINGH & ORS.

Appellant (s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(For clarification of order and judgment dated 12.10.2007, stay and exemption from filing O.T.)

Date: 11/01/2011

This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)
IA 3-4 in
CA 4843/07

Mr. Jaspreet S. Rai, Adv.
Mr. M.K. Garg, Adv.

In IA 2-3 in
CA 4844/07

Mr. Virendra Goswami, Adv.
Ms. B. Vijay Laxmi Menon, Adv.

For Respondent(s)

Mr. Dhruv Mehta, Sr. Adv.
Mr. Sameer Abhyankar, Adv.
Mr. Ashish Wad, Adv.
Mr. Shikhar Srivastava, Adv.
Ms. Jayashree Wad, Adv.
Ms. Tamali Wad, Adv.
Ms. Dipti, Adv.
For M/S. J.S. Wad & Co., Advs.

Mr. Tufail A. Khan, Adv.
Mr. Rohit Minocha, Adv.
Mr. D.S. Mahra, Adv.

Mr. Ajay Bansal, AAG.
Mr. Devender Singh, Adv.
Mr. Ajay Pal, Adv.

IA Nos. 3-4 in CA 4843/2007

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

Heard the learned counsel for the parties at
length.

The application stands disposed of in terms
of the signed order. No order as to costs.

(KALYANI GUPTA)
SR. P.A.

(VINOD KULVI)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

IA Nos. 3-4 in CA 4843/2007

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

IA Nos. 3-4 in CIVIL APPEAL NO. 4843 OF 2007

DEVINDER SINGH & ORS. APPELLANTS
VERSUS
STATE OF PUNJAB & ORS. RESPONDENTS

AND

IA Nos. 2-3 in CIVIL APPEAL NO. 4844 OF 2007

SATWANT KAUR & ANR. APPELLANTS
VERSUS
STATE OF PUNJAB & ORS. RESPONDENTS

O R D E R

1. We have heard the learned counsel for the parties
at length.

2. 241 kanals of land was acquired for the benefit
of the applicant. As per the judgment of this Court
dated 12th October 2007, the acquisition proceedings qua
all save 35 kanals have been quashed. It is the case
of the applicant that the judgment of this Court should
be confined only to those who had made a challenge to
the land acquisition and not to those who had not come
to Court. This may be the position in law but in the

facts of the case that only a miniscule piece of land

IA Nos. 3-4 in CA 4843/2007

I.e. 35 kanals is now in the hands of the applicant, we feel that no clarification needs be given.

Mr. Dhruv Mehta, the learned Senior Advocate for the applicant has, however, pointed out that to add insult to injury the State Government while refunding a sum of Rs.2,57,75,073/- to the applicant had retained a sum of Rs.44,85,179/- on the ground that this amount represented the acquisition and departmental charges and approximately Rs.11,00,000/- towards super structure charges. We are of the opinion that the deduction of these amounts is totally unjustified for the reason that the State Government had issued a faulty notification for acquisition which has been quashed by this Court and the beneficiary applicant had no role to play in its issuance. We, therefore, feel that the amount of Rs.44,85,179/- and Rs.11,00,000/- should also be refunded to the applicant.

We, accordingly, dispose of the applications filed by the applicant in the above terms. No order as to costs.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]