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C.A.No. 332 OF 2000

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ITEM No. 105

Court No.9

SECTION IX

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

CIVIL APPEAL NO. 332 OF 2000@@  
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Land Acquiring Body, Ahmedabad

Appellant (s)

VERSUS

Ramprasad H, Maharaj (D) thr. Lrs. & Anr.

Respondent (s)

( With appln. for amending and adding the grounds with affidavit )

WITH  
Civil Appeal Nos. 333, 334, 340, 338, 342, 343, 335, 336, 341,  
344, 345, 346, 347, 348, 351, 349, 350 of 2000

C.A. 339/2000  
(With appln. for substitution, c/delay and exemption from filing OT)

S.L.P. (C) Nos.9185-9222/2001  
(With appln. for c/delay in fling SLP and directions)

With I.A.Nos. 77-100/2002  
(Appln. for directions in SLP (C) Nos.9185, 9187, 9190, 9193,  
9194-9196, 9199, 9201-9203, 9205-9206, 9208-9209, 9211-9215  
& 9218-9222/2001)

C.A.No. 337/2000

Date : 10/09/2002 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU  
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Appellant (s) Mr. Mayur R. Shah,Adv.  
Mr. J.R. Shah,Adv.  
Mr. Ajay Kumar Jain,Adv.  
Mr. Chander Shekhar Ashri,Adv.

For Respondent (s) Mr. R.P. Bhatt, Sr.Adv.  
Mr. Divyang K. Chhaya,Adv.  
Mr. Abhijit P.Medh, Adv.

Mr. R.P. Bhatt, Sr.Adv.  
Mr. Gopinath Amin,Adv.  
Mr. Ashish Wad,Adv.  
Ms. Neharika Bahl,Adv.  
Ms. J.S.Wad, Adv.

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

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CIVIL APPEAL NOS.332 TO 351 OF 2000@@  
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In these batch of appeals, the scope of Section 51-A of the Land Acquisition Act arise for consideration, with particular reference as to whether it is necessary, before placing reliance upon a certified copy of a registered sale deed(s), to disclose the guide-line or yard-stick for fixing up the market value of an acquired land, to examine anyone connected with the said sale deed(s) or the transaction covered by it, as a condition precedent.

In the decision reported in 2001 (3) SCC 530, rendered by a bench of three learned Judges of this Court, as could be seen, on perusal of paragraphs 16 and 17, it has been held that even without examining persons connected with the transactions mentioned therein, a particular certified copy of the sale deed could be relied upon in evidence on being marked and such a consequence would inevitably follow from the very language of Section 51 A of the Act.

In 2001 (6) SCC 254, applying the above principle, a Bench of two learned Judges of this Court have taken a similar view. But, unfortunately, the decision reported in 1997 (6) SCC 54, rendered by a Bench of three learned Judges of this Court taking a different view has not been specifically referred to or over-ruled, in the latest decision reported in 2001 (3) SCC 530.

Having regard to all this, we consider it appropriate and necessary to direct the Registry to place ...3/-

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these matters before the Hon'ble the Chief Justice of India for the purpose of placing the matters before an appropriate larger Bench for deciding this issue and give a quietus to the controversy, finally.

Rest of the matters be listed on 12.09.2002.

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(Neena Verma)  
Court Master

(K.K. Chadha)  
Court Master