

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(s). 1354-1359 OF 2002

TAMIL NADU HOUSING BOARD

Appellant (s)

VERSUS

K. MEENAKSHI ACHI & ANR. ETC.

Respondent(s)

(With office report)

Date: 09/02/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s) Mr. T. Harish Kumar,Adv.

For Respondent(s) Mr. M.L. Varma, Sr. Adv.
Mr. C. Paramasivam, Adv.
Mr. P. Ramesh, Adv.
Mr. Y. Arunagiri, Adv.
Mr. M.P. Parthiban, Adv.
Mr. Rakesh K. Sharma,Adv.

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

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

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master

(ONE SIGNED ORDER IS PLACED ON THE FILE)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.1354-1359 OF 2002

TAMIL NADU HOUSING BOARD

...APPELLANT

VERSUS

K. MEENAKSHI ACHI & ANR. ETC.

...RESPONDENTS

ORDER

We have heard learned counsel for the parties at some length. In view of the fact that the decision of this Court in Municipal Corporation

of the City of Ahmedabad v. Chandulal Shamaldas Patel [1971) 3 SCC 821], on which reliance had been placed by the Appellate Bench to hold that the appeal preferred by the appellant herein was not maintainable, has been overruled by the Constitution Bench in U.P. Awas Evam Vikas Parishad v. Gyan Devi (dead) by LRs and others [(1995) 2 SCC 326], in our opinion, it is a fit case where the matter deserves to be sent back to the Appellate Bench for a proper consideration of the issue raised in the appeal on merits.

Accordingly, the impugned order is set aside, and the case is remitted back to the Appellate Bench for reconsideration on merits in accordance with law. Needless to add that it will

be open to the parties to urge all the contentions as may be available to them in law.

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Keeping in view the fact that Notification under Section 4 of the Land Acquisition Act, 1894 was issued as far back as in the year 1979, we request the High Court to try to dispose of the appeal(s) as expeditiously as possible.

The Civil Appeals are disposed of in the above terms.

....., J.
(D.K. JAIN)

....., J.
(H.L. DATTU)

NEW DELHI
FEBRUARY 09, 2011