

ITEM NO.50

COURT NO.10

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).17167/2010

(From the judgement and order dated 17/02/2010 in DBCSA No. 1010/1997 in SBCWP No. 3634/1993 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

DEVENDRA KUMAR GUPTA & ANR

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., PERMISSION TO FILE ADDL. DOCUMENTS and prayer for interim relief and office report)

Date: 12/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. Jayant Bhushan, Sr. Adv.
 Mr. Sarwa Mitter, Adv.
 Mr. Amit Gupta, Adv.
 Mr. Gautam Talukdar, Adv. for
 M/S Mitter & Mitter Co., Advs.

For State of Rajasthan

Mr. Milind Kumar, Adv.
Ms. Archana Pathak Dave, Adv.

For Respondents 3,4 & 5

Ms. Sandhya Goswami ,Adv
Mr. M.P.S. Tomar, Adv.

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

Heard learned counsel for the parties and perused the
record. The two points argued by Shri Jayant Bhushan, learned
2
senior counsel appearing for the petitioners are that the Land
Acquisition Officer had made recommendations under Section 5A(2)
of the Land Acquisition Act, 1894 without giving reasonable
opportunity of hearing to the objectors including the
petitioners and that although the notifications under Sections 4
& 6 were issued for the acquisition of 528 bighas land, the
award was passed in respect of 215 bighas and 8½ biswas land
only and for the remaining land, no award was passed resulting

in an automatic lapse of the acquisition proceedings.

Learned counsel appearing for the State of Rajasthan and the Urban Improvement Trust made some submissions on the question of hearing the objectors under Section 5A(2) and then made a request for adjournment to seek instructions and if necessary, file affidavit on the issue of non passing of award in respect of about 313 bighas of land.

Two weeks time is allowed for the purpose of filing affidavit. List the case on 26th August, 2011.

(G.SUDHAKARA RAO)
Court Master

(PHOOLAN WATI ARORA)
Court Master