

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

Civil Appeal No(s). 1479/2006

DIVYAGNAKUMARI HARISINH PARMAR & ORS.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With application for permission to file lengthy list of dates)

WITH

C.A. No. 1480/2006

(With appln.(s) for c/delay in filing substitution appln. and
appln.(s) for substitution and appln.(s) for permission to file
addl. grounds and Office Report)

C.A. No. 1481/2006

(With appln.(s) for permission to file addl. grounds)

C.A. No. 1482/2006

(With appln.(s) for permission to file addl. grounds)

C.A. No. 1483/2006

(With appln.(s) for permission to file addl. grounds)

C.A. No. 1484/2006

(With appln.(s) for permission to file addl. grounds and Office
Report)

C.A. No. 1485/2006

(With (With appln.(s) for substitution of deceased petitioner and
appln.(s) for c/delay in filing substitution appln.)

C.A. No. 1486/2006

(With appln.(s) for permission to file addl. grounds and Office
Report)

C.A. No. 1487/2006

C.A. No. 1488/2006

(With appln.(s) for permission to file addl. grounds)

C.A. No. 1489/2006

(With appln.(s) for substitution and appln.(s) for c/delay in
filing substitution appln. and appln.(s) for permission to file
addl. grounds)

SLP(C) No. 1866/2012

(With Office Report)

Date : 08/12/2016 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s) Mr. P. Chidambaram, Sr. Adv.
Mr. Shivaji M. Jadhav, Adv.
Ms. Astha Deep, Adv.
Mr. Anshuman Animesh, Adv.
Mr. Nipun Katyal, Adv.
Mr. Brij Kishor, Adv.
Mr. S.S. Talukdar, Adv.

Mr. Venkataramani, Sr. Adv.
Ms. Neelam Singh, Adv.
Mr. Yashraj Bundela, Adv.
Mr. M.S. Usgaocar, Adv.
Mr. Ashwin N. Ramani, Adv.

For Respondent(s) Ms. Pinky Anand, ASG
Mr. A.K. Panda, Sr. Adv.
Ms. Saudamini Sharma, Adv.
Mr. Shashank Dewan, Adv.
Ms. Kiran Bhardwaj, Adv.
Ms. Gunwant Dara, Adv.
Mr. Raj Bhadhur Yadav, Adv.
Mr. D. S. Mahra, Adv.

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

Our attention has been drawn to the Dadra & Nagar Haveli Land Reforms Regulation, 1971, particularly clauses 3 and 4 thereof, which came into force on 01.05.1974.

The facts brought to our notice are that there are three sets of appellants before us. For one set of appellants, an adverse order of reversion was passed by the Collector on 30.04.1974; for the second set of appellants, the order was passed by the Collector on 23.05.1974 and for the third set of appellants, the order was passed by the Collector on 05.07.1974.

From this, it appears that the only set of appellants that is

likely to be immediately affected are those in whose case the order was passed by the Collector on 30.04.1974. This observation does not foreclose any argument that learned Additional Solicitor General may advance with regard to the other two sets of orders that have been passed after 01.05.1974.

It appears from a reading of Article 307 of the 1917 O.A. that the reversion order in respect of the first set of appellants requires a notification to be issued. In addition, possession is also required to be taken within 30 days from the date of the reversion order (page 300 of the paper book). It appears that the right of an Alvara - Holder stands extinguished only if these two conditions are fulfilled. In the absence of these conditions being fulfilled, the first set of Alvara - Holder cannot be denied from clause 3 and clause 4 of the Regulation, 1971.

We may mention that we have only recorded this submission and have not expressed any opinion on this aspect of the matter.

Learned Additional Solicitor General seeks some time to take instructions including with respect to the issue whether a notification has been issued in terms of Article 307 of the 1917 O.A. and whether the possession of the land has been taken pursuant to the order dated 30.04.1974 or other subsequent orders.

List the matters on 10.01.2017 at 2.00 p.m. as part-heard matters.

(Meenakshi Kohli)
Court Master

(Jaswinder Kaur)
Court Master