¾IT E M NO.4 6 COURT NO.3 S EC T I O N IX

S UP R E M E COUR T OF I N D I A
R ECO R D OF P R OC E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).1 1 5 0 8 / 2 0 0 7

(From the judgement and order dated 1 2 / 0 1 / 2 0 0 7 in Spl.C.Appln.
No.1 8 4 9 0 / 2 0 0 6 of The HIGH COURT OF GUJ A R A T AT AHM E D A B A D)

NA R E N D R A S I N H MULS I N H THA K O R E Petitioner(s)

VE R S U S

DIS T . DE V E L O P M E N T OF F I C E R & ORS. Respondent(s)

[With prayer for interim relief and office report]

Date: 1 2 / 0 5 / 2 0 0 8 This Petition was called on for hearing today.

CORA M :
HON'B L E MR. JUS T I C E ASHO K BHA N
HON'B L E MR. JUS T I C E DA L V E E R BHA N D A R I

For Petitioner(s) Ms. Bina Madhavan, Adv. for
M/s. Lawyer'S Knit & Co., Advs.

For Respondent(s) Ms. Hemanti k a Wahi, Adv.
Ms. Jes al, Adv.

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

In terms of Section 8 of the J agir Abolition Act, the suit land was vested in the Government.

After issuance of the notifications under Sections 4 and 6 of the Land Acquisition Act, the award was not made within two years as required by Section 1 1 A of the said Act. Consequently, acquisition proceedings were dropped. The petitioner filed a writ petition making a grievance that his land has been acquired without their being any valid acquisition. The High Court has dismissed the writ petition holding that the remedy of the petitioner is to seek possession and claim damages etc. in a civil suit. The order is e x faci e wrong and deserves to be set aside.

SL P(C)No. 1 1 5 0 8 / 0 7 .... (contd.)

At this stage, counsel appearing for the respondent- State stated that since the buildings have already been constructed on the acquired land, the respondents be given sufficient time to settle the dispute with the petitioner by either issuing a fresh notification under Section 4 now and paying the compensation of the land on the price prevailing as on date or pay a lump sum amount to the petitioner to settle the dispute.

To be listed in the month of August 2 0 0 8 .

It is made clear to the counsel for the respondents that no further adjourn ment shall be granted.

(Subhash Chander)
Court Master

(Kanwal Singh)
Court Master