

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
I.A.NOS.15-22 IN CIVIL APPEAL NO(s). 8274-8275 OF 2003

RAJU S. JETHMALANI AND ORS. Appellant (s)

VERSUS

STATE OF MAHARASHTRA & ORS. Respondent(s)

(With appln(s) for clarification of court's order, exemption from filing O.T., directions, deletion of the name of respondent No.4 in I.A. No.15-16 and office report)

Date: 01/02/2011 These Appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr. Mukul Rohtagi, Sr. Adv.
Mr. Vijay Kumar, Adv.
Mr. Vishwajit Singh,Adv.

For Respondent(s) Mr. Sanjay V. Kharde, Adv.
Ms. Asha Gopalan Nair,Adv.
Ms. Jayashree Wad, Adv.
Mr. Ashish Wad, Adv.
Ms. Tamali Wad, Adv.
Mr. Sameer Abhyankar, Adv.
Ms. Dipti, Adv.
Mr. Shikhar Srivastav, Adv.
Ms. J.S. Wad ,Adv

Ms. Naresh Bakshi ,Adv

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

I.A. Nos.15-22 are dismissed in terms of the signed order.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A.NOS. 15-22
IN
CIVIL APPEAL NO. 8274-8275 OF 2003

RAJU S. JETHMALANI & ORS.APPELLANTS

Versus

STATE OF MAHARASHTRA & ORS.RESPONDENTS

O R D E R

I.A. Nos.15-22 are for clarification. This Court,
by order dated 5.5.2005, while allowing the Civil Appeals
8274-8275/2003 and setting aside the orders of the High
Court, had observed as follows:

"However, before parting with the case
we may observe that we tried to explore the
possibility if the Municipal Corporation is
still prepared to acquire the land then even at
this point of time we can permit them to
acquire the land keeping in view the larger
interest of ecology and for the amenities to
the public of that locality. But learned
counsel for the Municipal Corporation expressed
inability of the Corporation and likewise
learned counsel for the State of Maharashtra.
We also asked the counsel for the private
respondents if they can muster sufficient funds
so as to enable the Municipal Corporation to
acquire the land in question but learned
counsel for the respondents expressed their
.....2.

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inability to do so. Be that as it may, still
we keep it open. In case within six months if
the residents of the locality can raise funds
for acquisition of the land by the Government,
then, it will be open for them to keep this
land as garden for the benefit of the locality.
But we cannot sustain the present order passed
by the High Court of Bombay. In case, the
respondents cannot muster sufficient funds to
acquire the land within six months from today,
in that case, it will be open to the appellants
to utilize the land for residential/other
purpose in accordance with law."

2. Long after the expiry of six months, respondents
filed I.A. Nos.9-12 and this Court by order dated 11.2.2008
dismissed the said applications making it clear that the
Planning Authority, would however be at liberty to issue a
fresh notification to acquire the land, subject to the
objections, if any, that may be raised by the appellants.
There was a further observation that if the Planning
Authority issues a fresh notification and appellants file
objections thereto, the objections shall be decided in
accordance with law, without being influenced by any of the

orders passed in the earlier proceedings.

In view of the

said order, the contempt proceedings filed by the appellants in the civil appeals were dismissed as having become infructuous.

....3.

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3. The appellants have filed the present applications for clarification of order dated 11.2.2008. We find no need for any clarification. The order dated 5.5.2005 is categorical that if the respondents did not organise sufficient funds to acquire the land within six months, it will be open to the appellants to utilize the land for residential or other purposes in accordance with law. The subsequent order dated 11.2.2008 dismissing I.A. Nos.9-12 does not modify the same. It is, therefore, open to the appellants to take such steps as are necessary in pursuance of the said order dated 5.5.2005.

4. I.A. Nos. 15-22 are dismissed.

.....J.
(R.V. RAVEENDRAN)

New Delhi;
February 01, 2011.

.....J.
(A.K. PATNAIK)