

XIV

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20984 OF 2004

(From the final judgement and order dated 05/05/2004 in RFA No. 354/2001 of HIGH COURT OF H.P AT SHIMLA)

STATE OF H.P. & ORS.

Petitioner

(s)

VERSUS

SATYA PAL & ORS.

Respondent

(s)

With appln(s) for c/delay in filing SLP and prayer for interim relief and office report )

Date: 14/02/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s)

Mr. J.S. Attri, Adv.

For Respondent(s) Mr. Manohar Lal Sharma, Sr. Adv.

Mr. Ravi Bakshi, Adv.

Mr. Yash Pal Dhingra, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

We have heard counsel for the parties.

The case of the petitioner-State is that the land in question which was acquired by issuance of Notification under Section 4 of the Land Acquisition Act on 26.9.1988 followed by an

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Award on 23.10.1989, did not belong to the respondents. In fact it

was Government land and had wrongly been shown in the

Notifications issued under the Land Acquisition Act for

acquisition. The respondents, therefore, are not entitled to the

compensation awarded in respect of the lands in question.

On the other hand, Counsel for the respondents contends that though before 1986 the respondents were recorded as non occupancy tenants, after the implementation of Himachal Pradesh Land Reforms Act, they got the ownership rights in the lands and in 1986 they became the owners of the lands in question. Counsel for the State submits that a Civil proceeding has been initiated wherein the title claimed by the respondents is being disputed.

Having regard to the facts and circumstances of the case, we are not inclined to interfere with the order of the High Court. However, counsel for the respondents does not dispute that in case civil proceeding is decided against the respondents and they are ultimately found not to be the owners of the lands in question, the natural consequences will follow and the respondents inter-alia will have to refund the amount of compensation received by them in respect of the lands in question.

Recording these facts we dismiss the special leave petition.

(SUKHBIR PAUL KAUR)

COURT MASTER

(VIJAY KUMAR SHARMA)

AR-CUM-PS TO HON'BLE JUDGE