

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7284-7285 OF 2010

GHANSHYAM & ANR.

... APPELLANT(S)

VS.

STATE OF M.P. & ORS.

... RESPONDENT(S)

WITH

CIVIL APPEAL NO.7286 OF 2010

CIVIL APPEAL NO.2560 OF 2011

J U D G M E N T

Anil R.Dave, J.

- 1. Heard the learned counsel for the parties.
- 2. We have noted the contents of paragraphs 13 and 14 of the impugned judgment which read as under:

"13. Accordingly, these appeals partly succeed. The appellants are granted liberty to approach the appropriate Authority u/S.5A within 30 days from today as also u/S.48 of the Act, if the possession of the land has not been taken and the Authority concerned shall take decision in this behalf, after notice to all concerned, if necessary, within two months thereafter. We make it explicit that the liberty u/S.5A and Sec.48 of the Act shall not include the land utilized in construction of the Road MR-10.

14. The appeals are thus disposed of with no order as to costs. It is however, made clear that this order shall not be construed as

precedent for persons who have not filed any

petition or appeal before the Court against the judgment of the learned Single Judge."

Signature Not Verified
Digitally signed by
Sarita Purohit

Date: 2016.02.16
14:54:02 IST
Reason:

- 3. In the circumstances, we are of the view that the High Court was right to give liberty to the appellants to approach the concerned Authority under Sections 5A and 48 of the Land Acquisition Act, 1894 within 30 days from the day on which the impugned judgment was delivered.

- 4. It has been submitted by the learned counsel for the

appellants that as the appeals had been filed before this Court, the appellants did not approach the concerned Authority and therefore, some additional time may be granted so that they can approach the Authority.

5. In view of the contents of the afore-stated paragraphs and the request being reasonable, we extend the time to approach the concerned Authority by one month from today.

6. At the time of hearing of the appeals, the learned counsel for the appellants has raised one additional point with regard to applicability of the provisions of Section 24(2) of the Land Acquisition, Rehabilitation and Resettlement Act, 2013. According to the learned counsel, in view of the provisions of the said section, the acquisition has lapsed.

7. If under the provisions of the aforestated Act any right has accrued in favour of the appellants, the better course for the appellants would be to approach the High Court by filing a substantive writ petition.

2

8. In the event any adverse order being passed by the High Court, it would be open to the appellants to approach this Court again.

9. Protection granted by this court shall continue for a period of two months from today.

10. Without considering these appeals on merits, we dispose of these appeals with no order as to costs. Pending applications, if any, stand disposed of.

.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

