

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).24578-24579/2004

(From the judgement and order dated 23/03/2001 in AS No. 519/1999 & AS No. 520/1999  
of The

HIGH COURT OF MADRAS)

THE DEFENCE ESTATE OFFICER

Petitioner(s)

VERSUS

FAIZUNNISA & ORS.

Respondent(s)

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

WITH S.L.P.(C) NO. 24525-24572 of 2004

(With appln(s) for c/delay in filing SLP)

(With prayer for interim relief and office report)

S.L.P.(C) NO. 2834-2894 of 2005

(With appln(s) for c/delay in filing SLP)

(With office report)

S.L.P.(C) NO. 4012-4069 of 2005

(With appln(s) for c/delay in filing SLP)

(With office report)

S.L.P.(C) NO. 7976-8217 of 2005

(With appln(s) for c/delay in filing SLP,c/delay in refiling SLP)

(With office report)

Date: 14/09/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s)

Mr. N.N. Goswamy, Sr. Adv.

Mrs. Indra Sawhney, Adv.

Mr. Ragunath K. Adv.

Mr. Shalinder Sharma, Adv.

Mrs. Anil Katiyar, Adv.

Ms. Anita Sahani, Adv.

For Respondent(s)

Mr. M.L. Varma, Sr. Adv.

Mr. Sri Ram J. Thalapathy, Adv.

Mr. N.K. Arulmuruganandham, Adv.

Mr. G.D. Gupta, Adv.

Mrs. N. Shoba, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard counsel for the parties.

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Delay condoned.

The special leave petitions are dismissed.

Mr. N.N. Goswamy, learned senior counsel, appearing on behalf of the petitioner

submitted before us that though he is not in a position to challenge the statements contained in the

impugned judgments of the High Court, which make it apparent that the judgments and orders were

passed on concession or by consent, there are large number of other cases of acquisition where the

quantum awarded by the Reference Court has been challenged before the Hi

gh Court. Those

matters are still pending before the High Court and if the same principle of valuation is applied, the

petitioner will suffer great injustice. His contention is that the lands in respect of which cases are

still pending before the High Court are situate far away from the land in respect of which sale deed

had been produced as Annexure A-9 as an exemplar as well as the lands subject matter of the

impugned judgments. The law is fairly well settled that the court must value the land acquired

having regard to its value applying the statutory guidelines. Lands lying far away from the lands

in respect of which sale deed is produced by way of evidence, cannot have the same value. The value

of such lands may be more or less depending upon their potentiality and location and having regard

to other relevant considerations which the court has to keep in mind under the provisions of the

Land Acquisition Act.

We appreciate the submission urged on behalf of the petitioner and, therefore, we

clarify that in all matters still pending before the High Court, it will be open to the petitioner to

challenge the Award of the Reference Court of such grounds as it may be advised, and without

anything more, the impugned judgments in these special leave petitions will not be treated as a

precedent.

The special leave petitions are dismissed.

(Sheetal Dhingra)

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