

ITEM NO.102

COURT NO.7

SECTION IX

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

CIVIL APPEAL NO. 5344/2008

KAMALBAI VISHWANATH JADHAV

APPELLANT(S)

VERSUS

STATE OF MAHARASHTRA & ORS.
(WITH OFFICE REPORT)

RESPONDENT(S)

WITH

SLP(C) NO. 6503/2009
(WITH OFFICE REPORT)SLP(C) NO. 10353/2009
(WITH INTERIM RELIEF AND OFFICE REPORT)SLP(C) NO. 12406/2009
(WITH APPLN.(S) FOR DE-TAGGING AND OFFICE REPORT)SLP(C) NO. 23398/2009
(WITH OFFICE REPORT)SLP(C) NO. 25800/2010
(WITH INTERIM RELIEF AND OFFICE REPORT)C.A. NO. 292/2011
(WITH INTERIM RELIEF AND OFFICE REPORT)

C.A. NO. 2946/2012

S.L.P.(C)...CC NO. 10140/2012
(WITH OFFICE REPORT)

Date : 02/03/2016 These cases were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For parties (s)

Ms. Tanya Swarup, Adv.
Mr. Ajay Kumar, Adv.

Mr. Kunal A.Cheema, Addl.Govt. Adv.
Mr. Mahaling Pandarge, Addl. Govt. Adv.
Mr. Yogesh K. AHIRRAO, Adv.
Mr. Nishant Ramakantrao Katneshwarkar, Adv.

Mr. Vivek Jain, Adv.
Ms. Swati Sinha, Adv.
Ms. Purnima Bhat, Adv.

Ms. Damini Hajela, Adv.
Mr. Sunil Kumar Verma, Adv.

Mr. Raghavendra Bajaj, Adv.
Mr. C. George Thomas, Adv.
Mr. Ejaz Maqbool, Adv.
Ms. Akriti Chaubey, Adv.
Mr. Faraz Maqbool, Adv.

Ms. Meenakshi Arora, Sr. Adv.
Mr. Mohit D. Ram, Adv.
Ms. Monisha Handa, Adv.
Mr. Neeraj Kumar, Adv.

Mr. Anshuman Animesh, Adv.
Mr. Shivaji M. Jadhav, Adv.

Mr. A. S. Bhasme, Adv.
Mr. Pankaj Kr. Mishra, Adv.

Mr. Vinay Navare, Adv.
Ms. Abha R. Sharma, Adv.

Ms. Chandan Ramamurthi, Adv.

Mr. Pahlad Singh Sharma, Adv.

Ms. Asha Gopalan Nair, Adv.

Mr. Atul Yeshwant Chitale, Sr. Adv.
Mrs. Suchitra Atul Chitale, Adv.
Ms. Shivangi Khanna, Adv.

Mr. Vivek C. Solshe, Adv.
Mr. C.G. Solshe, Adv.

Mr. Aniruddha P. Mayee, Adv.

Mr. Pahlad Singh Sharma, Adv.

Mr. J.M. Sharma, Sr. Adv.
Ms. Shweta Jain, Adv.
Mr. Ajit Sharma, Adv.

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

C.A. NO.5344 of 2008

The appeal is dismissed in terms of the signed order.

SLP(C) NO.6503/2009, SLP(C) NO.10353/2009, SLP(C) NO.12406/2009

Heard the learned counsels for the parties and perused the relevant material.

We do not find merit in the Special Leave Petitions. The Special Leave Petitions are accordingly dismissed.

SLP(C) NO.25800 OF 2010

Leave granted.

The appeal is allowed in terms of the signed order.

C.A. NO.292 OF 2011

Learned counsel for the appellant prays for liberty to withdraw the present appeal. Liberty as prayed is granted. The appeal is accordingly closed on withdrawal.

C.A. NO.2946 OF 2012

Heard in part.

List the matter for further hearing tomorrow i.e. 3rd
March, 2016.

SLP(C) NO.23398 OF 2009 AND SLP(C) NO....CC NO.10140/2012

List the matters tomorrow i.e. 3rd March, 2016.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[THREE SIGNED ORDERS ARE PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.5344 OF 2008

KAMALBAI VISHWANATH JADHAV . . . APPELLANT

VERSUS

STATE OF MAHARASHTRA & ORS. . . RESPONDENTS

ORDER

1. The issue arising in this appeal is squarely covered by the Constitution Bench decision of this Court in Girnar Traders (3) versus State of Maharashtra & Ors. [(2011) 3 SCC 1] holding that the provisions of Section 11A of the Land Acquisition Act, 1894 would have no application to acquisitions made under the Land Acquisition Act, 1894 by invoking the provisions of Section 126 of the Maharashtra Regional and Town Planning Act, 1966.

2. In the present case, admittedly, declaration under Section 6 of the Land Acquisition Act, 1894 initiating the land acquisition proceedings was issued in the year 2000 and the award came to be passed in the year 2007.

3. In view of the Constitution Bench decision of this Court in Girnar Traders (3) (supra) nothing survives for adjudication in the present appeal. Consequently, the appeal is dismissed in the light of the decision of the Constitution Bench of this Court in Girnar Traders (3) (supra).

.....,J.
(RANJAN GOGOI)

.....,J.
(PRAFULLA C. PANT)

NEW DELHI
MARCH 02, 2016

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.2479 OF 2016
[Arising out of SLP(CIVIL) NO.25800 of
2010]

ASHOK LAXMAN TIDKE & ORS. . . . APPELLANTS

VERSUS

STATE OF MAHARASHTRA & ORS. . . . RESPONDENTS

ORDER

1. Leave granted.
2. The challenge in this appeal is against the orders of the High Court dated 2nd July, 2007 and 27th January, 2010 by which the writ petition and the review petition filed by the appellants have been dismissed by holding that a mere proposal to acquire the land included in a development scheme under the Maharashtra

Regional and Town Planning Act, 1966 would amount to initiation of proceedings for acquisition of the land under the Land Acquisition Act, 1894.

3. The above view taken by the High Court is opposed to what has been held by this Court in Girnar Traders (2) versus State of Maharashtra & Ors. [(2007) 7 SCC 555 (para 55)], Girnar Traders (3) versus State of Maharashtra & Ors. [(2011) 3 SCC 1 (para 128)] and also the view expressed by this Court in paragraph 43 of the decision in Shrirampur Municipal Council, Shrirampur versus Satyabhamabai Bhimaji Dawkher & Ors. [(2013) 5 SCC 627] which later decision has been very fairly pointed out by the learned counsel for the Municipal Corporation.

4. In view of the above, we allow this appeal and set aside the orders of the High Court.

.....,J.
(RANJAN GOGOI)

.....,J.
(PRAFULLA C. PANT)

NEW DELHI
MARCH 02, 2016

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.292 OF 2011

DIGAMBAR MOTIRAM JADHAV . . . APPELLANT

VERSUS

THE COMMISSIONER, MALEGAON
MUNICIPAL CORPORATION & ORS. . . RESPONDENTS

ORDER

Learned counsel for the appellant prays for liberty to withdraw the present appeal. Liberty as prayed is granted. The appeal is accordingly closed on withdrawal.

....., J.
(RANJAN GOGOI)

....., J.
(PRAFULLA C. PANT)

NEW DELHI
MARCH 02, 2016