

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(s). 1743 OF 2006

CHANDRASHEKAR (D) BY LRS. & ORS.

Appellant (s)

VERSUS

LAND ACQUISITION OFFICER & ANR.

Respondent(s)

(With office report)

WITH

Civil Appeal NO. 1744 of 2006

(With prayer for interim relief and office report)

Civil Appeal NO. 1745 of 2006

(With prayer for interim relief and office report)

SLP(C) NO. 19338-19340 of 2005

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

Date: 20/10/2011 These Appeals and the SLP were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Appellant(s)

C.A. NO. 1743

Mr. G.V. Chandrashekar, Adv.

Mr. N.K. Verma, Adv. for

Mr. P.P. Singh, Adv.

C.A. No. 1744

Mr. Basava Prabhu S. Patil, Sr. Adv.

Mr. B. Subrahmanya Prasad, Adv.

Mr. Nandeesh Patil, Adv.

Mr. Anirudh Sanganeria, Adv.

Mr. A.S. Bhasme, Adv

SLP (C) 19338-19340 Ms. Kiran Suri, Adv.

Mr. S.J. Amith, Adv.

C.A. NO. 1745

Mr. V.N. Raghupathy, Adv.

Mr. Lagnesh Mishra, Adv.

For Respondent(s)

Mr. Basava Prabhu S. Patil, Sr. Adv.

Mr. B. Subrahmanya Prasad, Adv.

Mr. Nandeesh Patil, Adv.

Mr. Anirudh Sanganeria, Adv.

Mr. A.S. Bhasme, Adv

Mr. G.V. Chandrashekar, Adv.

Mr. N.K. Verma, Adv. for

Mr. P.P. Singh, Adv.

State

Mr. V.N. Raghupathy, Adv.

Mr. Lagnesh Mishra, Adv.

UPON hearing counsel the Court made the following

O R D E R

Civil Appeal No. 1744 of 2006:

Appeal is dismissed in terms of signed order with no order as to costs.

Civil Appeal No. 1745 of 2006:

Appeal is dismissed in terms of signed order with no order as to costs.

S.L.P. (C) Nos. 19338-19340 of 2005:

Mr. B.S.P. Patil, learned senior counsel for the respondents does not oppose the prayer for condonation of delay. Delay in filing Special Leave Petitions is condoned.

Leave granted.

Arguments heard.

Judgment reserved.

Civil Appeal No. 1743 of 2006:

Arguments heard.

Judgment reserved.

(Pardeep Kumar)
Court Master

(Renu Diwan)
Court Master

[TWO SIGNED ORDERS IN CIVIL APPEAL NOS. 1744 AND 1745 OF 2006 ARE
PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 1744 OF 2006

GULBARGA DEVELOPMENT AUTHORITY ... APPELLANT(s)

Versus

CHANDRASHEKAR (D) BY LRS. AND OTHERS . RESPONDENT(s)

O R D E R

We have heard Mr. B.P.S. Patil, learned senior counsel for the appellant.

2. The only contention advanced by Mr. Patil is that the owners played fraud in representing that the Protest Application made to the Land Acquisition Officer for reference being made to the Civil Court for

higher compensation was within limitation, although it was hopelessly time barred.

3. Mr. Patil fairly submitted that except some of the documents, which contained interpolations, there was nothing to show that the Protest Application was not filed by the owners in time.

: 2 :

4. We have carefully considered the documents relied on by Mr. Patil and the consideration of this aspect by the High Court.

5. The High Court, in this regard, made the following observations:

"We have examined the records of the Reference Court. Sri R.I. D'Sa, Special Counsel appearing for the appellant in MFA No. 2615 of 2003 has pointed out certain discrepancies and over-writing etc., in the letter forwarded by the Land Acquisition Officer accompanying the records sent to the Reference Court at the instance of the Court and has submitted that the interpolation wherein a reference was made to the application of land owners dated 24.9.1990 purporting to be one under Section 18(1) of the Act is in a different hand writing and in a different ink and not as contained in the original records, copy of which is still maintained at the office of the appellant and that record does not contain such over writing.

We have given our anxious consideration to the submission of the learned counsel. It is no doubt true that a plea of fraud particularly one relating to manipulation of the records, forging the documents, insertion and removal of documents from the records should be raised and pleaded at the earliest. The fact is that such a plea is being raised at a belated stage and that too while the matter has reached this Court in the second round of litigation, the plea of fraud was never raised in the first round either before the Reference Court or even before this Court. Ultimately such plea is sought to be raised only for the purpose of arriving at the proposition that the reference is bad in law and the enhancement of compensation by the Reference Court is not sustainable."

: 3 :

6. We have no justifiable reason to take a view different from the High Court. Civil Appeal is, accordingly, dismissed with no order as to costs.

.....J.
(R.M. LODHA)

.....J.
(JAGDISH SINGH KHEHAR)

NEW DELHI
OCTOBER 20, 2011.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 1745 OF 2006

THE LAND ACQUISITION OFFICER ... APPELLANT(S)

Versus

CHANDRA SHEKHAR SINCE DECEASED BY LRS. AND OTHERS ... RESPONDENT(S)

O R D E R

By a separate order passed by us today, we have dismissed Civil Appeal No. 1744 of 2006 filed by the Gulbarga Development Authority.

For the reasons indicated in the order in that matter, we are satisfied that this appeal is also liable to be dismissed and is dismissed with no order as to costs.

.....J.
(R.M. LODHA)

.....J.
(JAGDISH SINGH KHEHAR)

NEW DELHI
OCTOBER 20, 2011.
F<ITEM NO.101

COURT NO. 8

SECTION IVA

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For Appellant(s)

C.A. NO. 1743 Mr. G.V. Chandrashekar, Adv.
Mr. N.K. Verma, Adv. for
Mr. P.P. Singh, Adv.

C.A. No. 1744 Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. B. Subrahmanya Prasad, Adv.
Mr. Nandeesh Patil, Adv.
Mr. Anirudh Sanganeria, Adv.
Mr. A.S. Bhasme, Adv

SLP (C) 19338-19340 Ms. Kiran Suri, Adv.
Mr. S.J. Amith, Adv.

C.A. NO. 1745 Mr. V.N. Raghupathy, Adv.
Mr. Lagnesh Mishra, Adv.

For Respondent(s) Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. B. Subrahmanya Prasad, Adv.
Mr. Nandeesh Patil, Adv.
Mr. Anirudh Sanganeria, Adv.
Mr. A.S. Bhasme, Adv

Mr. G.V. Chandrashekar, Adv.
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Arguments heard.

Judgment reserved.

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CIVIL APPEAL No. 1744 OF 2006

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We have given our anxious consideration to the submission of the learned counsel. It is no doubt true that a plea of fraud particularly one relating to manipulation of the records, forging the documents, insertion and removal of documents from the records should be raised and pleaded at the earliest. The fact is that such a plea is being raised at a belated stage and that too while the matter has reached this Court in the second round of litigation, the plea of fraud was never raised in the first round either before the Reference Court or even before this Court. Ultimately such plea is sought to be raised only for the purpose of arriving at the proposition that the reference is bad in law and the enhancement of compensation by the Reference Court is not sustainable."

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(R.M. LODHA)

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(JAGDISH SINGH KHEHAR)

NEW DELHI
OCTOBER 20, 2011.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 1745 OF 2006

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Versus

CHANDRA SHEKHAR SINCE DECEASED BY LRS. AND OTHERS ... RESPONDENT(S)

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NEW DELHI
OCTOBER 20, 2011.