

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). 1217 OF 2006

RAMESH FATEHCHAND KEWAL RAMANI & ANR.

Appellant (s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for directions)

Date: 20/04/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Appellant(s)

Mr. Dhruv Mehta, Sr. Adv.
Ms. Shobha, Adv.
Mr. Ram Krishna, Adv.
Ms. Bijoy Lashmi Das, Adv.

For Respondent(s)

Mr. Vishnu B. Saharya, Adv.
M/S Saharya & Co.

Ms. Rachana Srivastava ,Adv

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

The appeal is disposed of in terms of the signed order.

(NIDHI CHUGH)
Sr. P.A.

(RENUKA SADANA)
Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1217 OF 2006

RAMESH FATEHCHAND KEWAL RAMANI & ANR.

... Appellants

VERSUS

UNION OF INDIA & ORS.

... Respondents

O R D E R

Heard learned counsel for the parties.

After hearing learned counsel for the parties for some time, we are of the view that the justice of the case will be sufficiently met if we remand this case for

determination of market value of the acquired land to the Collector. The Collector will re-determine the market value taking the date of notification under Section 4 of the Land Acquisition Act, 1894, as 16.10.1981, which is the date of the subsequent award.

On that basis, the Collector will re-determine the market value of the acquired land within a period of three months. We direct learned counsel for the appellants to take a copy of this order and present it before the Collector. Thereupon, the Collector will fix the date of hearing. The Collector is requested to re-determine the market value on the basis mentioned hereinabove after hearing the parties and as early as possible, but, definitely, within a period of three months from the date of fixing the first date of hearing. We make it clear that the parties will co-operate and will not pray for unnecessary adjournments.

....2.

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We make it clear that in terms of this order which we are passing, the reference proceedings initiated by the appellants and which is pending before the Reference Court shall not be proceeded with and are deemed to be withdrawn by them.

We, however, do not make any observation on the merits of the case submitted by either of the parties.

We make it clear that while making the determination, the Collector will allow the parties to adduce evidence and will also take into account the statutory benefits which are otherwise available to the appellants. After the aforesaid determination is made within the period mentioned hereinabove, the parties are at liberty to pursue, if so advised, statutory remedy, if any, available to them.

We make it clear that we have passed this order in exercise of this Court's power under Article 136 read with Article 142 of the Constitution of India, in the peculiar facts and circumstances of the case.

The appeal is, accordingly, disposed of.

....., J.
[ASOK KUMAR GANGULY]

....., J.
[SWATANTER KUMAR]

NEW DELHI;
APRIL 20, 2011.