

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).550/2016

STATE OF UP THR. SECRETARY & ORS.

Appellant(s)

VERSUS

PRAHLAD KUMAR & ORS.

Respondent(s)

WITH

C.A. No. 551/2016

C.A. No. 552/2016

C.A. No. 553/2016

C.A. No. 555/2016

O R D E R

CIVIL APPEAL NO(S).550/2016:

Being aggrieved by the order dated 26.11.2009 passed by the Division Bench of the Allahabad High Court, the State of Uttar Pradesh and others have filed these appeals.

We have heard learned Additional Solicitor General appearing for the appellants and learned senior counsel and learned counsel for the respondents.

We have perused the impugned order.

Although submissions have been made at length on the question whether Section 17 of the Land Acquisition Act, 1894 (for short, "the 1894 Act") could have been invoked at all in the instant case, we find on the said issue there is no discussion at all in the impugned judgment by the Division Bench of the High Court while setting aside the

acquisition proceedings in so far as the subject lands are concerned.

In fact, there were two contentions raised before the High Court by the writ petitioners/respondents. Firstly, that there was no urgency as the purpose for which the land had to be acquired had been fulfilled by other lands being acquired. Secondly, there was no case of urgency in acquiring the subject lands as possession of the said lands had not been taken at all.

The High Court noted that the land which was sought to be acquired for the construction of District Headquarters of District Mahamaya Nagar, Hatras, was unnecessary as the same had been shifted to some other place, i.e. Gopalpura, Hatras. Secondly, the possession of the subject land had not been taken over from the petitioners. These are the two reasons given by the High Court for setting aside the acquisition. The High Court had also found that possession if at all taken was only a paper possession. Further, the very invocation of Section 17(1) of the 1894 Act was without proper reasons. Hence, the notifications under Sections 4 and 6 of the Act were not sustained and consequently, the acquisition notifications were quashed and the writ petitions were allowed.

Having heard learned Additional Solicitor General for the appellants and learned senior counsel and learned counsel for the respondents, we find that the High Court in the impugned order while setting aside the acquisition by

quashing the notifications could have dealt with the matter in a more elaborate manner by assigning the reasons as to why the notifications issued under Section 4 read with Section 17 of the 1894 Act and notifications under Section 6 had to be quashed.

On a close reading of the impugned order dated 26.11.2009, we find that the inferences and findings of the High Court in the absence of any discussion and reasoning do not appear to be the right approach. If indeed the High Court intended to quash the acquisition notifications, then it ought to have given its reasons in detail for doing so. In the absence of detailed reasons for setting aside or quashing the acquisition notifications, we find an impediment to consider the merits of the case as such and to pronounce or otherwise of impugned order.

In the circumstances, we deem it just and proper to set aside the impugned order dated 26.11.2009 and we remand the matter to the Allahabad High Court by restoring the Civil Miscellaneous Writ Petition No.31496 of 2001 on the file of the High Court. The High Court is requested to rehear the Writ Petition as expeditiously as possible by giving a fair opportunity to both sides and to dispose of the Writ Petition in accordance with law.

CIVIL APPEAL NO(S).551 OF 2016:

Since the impugned order in the instant case passed in C.M.Writ Petition No.8779 of 2010 dated 18.02.2010 has

followed the order dated 26.11.2009 in Civil Miscellaneous Writ Petition No.31496 of 2001 out of which Civil Appeal No.550 of 2016 has been allowed and the matter has been remanded to the High Court, we deem it just and appropriate to remand this matter also to the High Court to be heard along with Civil Miscellaneous Writ Petition No.31496 of 2001.

CIVIL APPEAL NO(S).552 OF 2016:

Since the impugned order in the instant case passed in Civil Miscellaneous Writ Petition No.31495 of 2001 dated 26.11.2009 has followed the order dated 26.11.2009 in Civil Miscellaneous Writ Petition No.31496 of 2001 out of which Civil Appeal No.550 of 2016 arose and which has been allowed and the matter has been remanded to the High Court, we deem it just and appropriate to remit this matter also to the High Court to be heard along with Civil Miscellaneous Writ Petition No.31496 of 2001.

Since we are remanding these appeals, liberty is reserved to the legal representatives of the deceased-respondent(s) to implead themselves before the High Court.

Should such application(s) be filed without going into the issue of limitation, the legal representatives of the deceased-respondent shall be impleaded as Writ Petitioners before the High Court.

CIVIL APPEAL NO(S).553 OF 2016:

Since the impugned order in the instant case passed in Civil Miscellaneous Writ Petition No.23128 of 2001 dated 12.05.2010 has followed the order dated 26.11.2009 in Civil Miscellaneous Writ Petition No.31496 of 2001 out of which Civil Appeal No.550 of 2016 arose and which has been allowed and the matter has been remanded to the High Court, we deem it just and appropriate to remit this matter also to the High Court to be heard along with Civil Miscellaneous Writ Petition No.31496 of 2001.

CIVIL APPEAL NO(S).555 OF 2016:

Since the impugned order in the instant case passed in Writ C.No.2048 of 2007 dated 10.08.2010 has followed the order dated 26.11.2009 in Civil Miscellaneous Writ Petition No.31496 of 2001 out of which Civil Appeal No.550 of 2016 arose and which has been allowed and the matter has been remanded to the High Court, we deem it just and appropriate to remit this matter also to the High Court to be heard along with Civil Miscellaneous Writ Petition No.31496 of 2001.

Since we have remanded the matters in all these aforesaid appeals, we direct both parties to maintain *status quo* subject to further orders of the High court. Hence, we request the High Court to dispose of these

appeals as expeditiously as possible.

The aforesaid appeals are allowed and disposed of in the aforesaid terms.

All pending application(s), including application seeking intervention, shall stand disposed of.

....., J
(B.V. NAGARATHNA)

....., J
(R. MAHADEVAN)

NEW DELHI;
NOVEMBER 19, 2025

ITEM NO.101

COURT NO.5

SECTION III-A

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). 550/2016

STATE OF UP THR. SECRETARY & ORS.

APPELLANT(S)

VERSUS

PRAHLAD KUMAR & ORS.

RESPONDENT(S)

IA NO. 4/2015 - EXEMPTION FROM FILING O.T.

IA NO. 127865/2022 - INTERVENTION/IMPLEADMENT

WITH

C.A. NO.551/2016 (III-A)
FOR ON IA 103923/2011

C.A. NO.552/2016 (III-A)
FOR ON IA 8/2015
FOR EXEMPTION FROM FILING O.T. ON IA 9/2015
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 71780/2021
FOR APPLICATION FOR ABATEMENT ON IA 142603/2025
FOR IMPEADING PARTY ON IA 142624/2025
FOR INTERVENTION/IMPLEADMENT ON IA 142624/2025
FOR EXEMPTION FROM FILING O.T. ON IA 142627/2025
IA NO. 142603/2025 - APPLICATION FOR ABATEMENT
IA NO. 71780/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA NO. 142627/2025 - EXEMPTION FROM FILING O.T.
IA NO. 9/2015 - EXEMPTION FROM FILING O.T.
IA NO. 142624/2025 - INTERVENTION/IMPLEADMENT

C.A. NO.553/2016 (III-A)

C.A. NO.555/2016 (III-A)
FOR ON IA 3/2015
FOR EXEMPTION FROM FILING O.T. ON IA 4/2015
IA NO. 4/2015 - EXEMPTION FROM FILING O.T.

Date : 19-11-2025 These matters were called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s) : Ms. Aishwarya Bhati, Sr. Adv., A.S.G.
Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.

For Respondent(s): Mr. Amit Dayal, AOR

Mr. Sonal Jain, AOR
Mr. Ajay Veer Singh, Adv.
Mrs. Mamta Jain, Adv.
Mr. Uday Ram Bokadia, Adv.
Mr. Shubham Singh, Adv.
Ms. Pratiksha, Adv.

M/S. Manoj Swarup And Co., AOR
Mr. Pradeep Kant, Sr. Adv.
Mr. Manoj Swarup, Adv.
Ms. Lalita Kohli, Adv.
Mr. Abhishek Swarup, Adv.
Mr. Chetan Sharma, Adv.
Mr. Shubham Kumar, Adv.
Mr. Ketan Pryadarshee, Adv.

Mr. Sunny Choudhary, AOR
Mr. Mohd. Irshad Hanif, AOR

Mr. Nikhil Jain, AOR
Mr. Susheel Tomar, Adv.
Mr. Nikhil Jain, Adv.

Mr. Susheel Tomar, Adv.
Ms. Hashita Verma, Adv.
Ms. Dimey Chopra, Adv.
Mr. Nikhil Jain, AOR

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

Civil Appeals are allowed in terms of the signed order,
which is placed on file.

Pending application(s), if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)