

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NOS. 15677-15679 OF 2008

SURAJ PAL & ORS.

PETITIONERS

VERSUS

U.P.AVAS EVAM VIKAS PARISHAD & ORS.

RESPONDENTS

WITH

SPECIAL LEAVE PETITION (CIVIL) NO. 27959 OF 2008

WITH

SPECIAL LEAVE PETITION (CIVIL) NO.28007 OF 2008

WITH

SPECIAL LEAVE PETITION (CIVIL) NO. 536 OF2009

WITH

CONTEMPT PETITION (CIVIL) NO.345 OF 2009

IN

SPECIAL LEAVE PETITION (CIVIL) NOS.15677-15679 OF 2008

WITH

CIVIL APPEAL NOS.1099-1101 OF 2004

O R D E R

It is by now well settled that Section 11-A introduced in the Land Acquisition Act, 1984 by Amendment Act 68 of 1984 with effect from 24.9.1984 has no application to acquisition made under Section 55 read with the Schedule to the Uttar

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Pradesh Avas Evam Vikas Parishad Adhinyam, 1965

[See (1997) 9 SCC 117 'Satya Pal and Others vs.

State of U.P. and others'; (1995) 3 SCC 573, U.P.

Avas Evam Vikas Parishad vs. Pushpa Lata Awasthi;

(1997) 9 SCC 116, 'Ramesh Chandra Tiwari and

Another vs. U.P. Avas Evam Vikas Parishad, Lucknow

& Ors. ']

However, Mr. Narasimha, learned senior counsel appearing for the petitioner in special leave petition no.27959 of 2008 (one of the cases in this batch) urged before us that the issue required reconsideration. Mr. Narasimha submitted that the decisions of this Court holding that Section 11-A of the Land Acquisition Act has no application to the acquisitions made under the provisions of the local Act overlooked the overarching mandate of Article 14 of the Constitution of India. In support of his contention, he relied upon an earlier decision of this Court in (1973) 1 SCC 500, 'Nagpur Improvement Trust vs. Vithal Rao & Ors.', and on certain passages from the decision in (1998) 2 SCC 467, 'U.P. Avas Evam Vikas Parishad vs. Jainul Islam & Anr.', and the recent Constitution Bench decision in (2011) 3 SCC 1, 'Girnar Traders (3) vs. State of Maharashtra & Ors.'.

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Learned counsel further submitted that Section 55 read with the schedule to the local Act can not be deemed to be a complete code for the purpose of land acquisition and hence, the application of the other provisions of the Land Acquisition Act, 1984, including Section 11-A thereof, cannot be excluded. In support of the submission, he relied upon paragraph 68 in this Constitution Bench judgment of this Court in Girnar Traders (3) (supra).

On hearing Mr. Narasimha, learned senior counsel for some time, we are afraid that no case is made out for us to not follow the binding precedents which have decided the question

Date: 28/04/2011 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

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For Petitioner(s) Mr. A.T.M. Ranga Ramanujam, Sr. Adv.
Mr. S.Ashok Kumar, Adv.
Mr. Prakash Sharma, Adv.
Ms. Anu Gupta, Adv.
Mr. Sanjeev Kuamr Sharma, Adv.
Mr. M.P. Shorawala, Adv.

Mr. S.P. Singh, Adv.
Mr. Vimal Chandra S. Dave, Adv.

Mr. Naresh Kaushik, Adv.
For Mrs Lalita Kaushik

Mr. P.S. Narasimha, Sr. Adv.
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Mr. T. Mahipal, Adv.
Ms. Kirti Yadav, Adv.

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Mr. Abhindra Maheshwari, Adv.
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Mr. Dinesh Dwivedi, Sr. Adv.
Mr. Shail Kr. Dwivedi, AAG
Mr. Manoj Dwivedi, Adv.
Mr. Ashutosh Sharma, Adv.
Mr. Gunnam Venkateswara Rao ,Adv

Mr. Ravi Prakash Mehrotra, Adv.

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

All the cases are dismissed in terms of the
signed order.

(Neetu Khajuria)
Sr.P.A.

(S.S.R. Krishna)
Court Master

(Signed order is placed on the file.)