

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7971/2008

(From the judgement and order dated 21/02/2008 in WP No. 4457/2007 of The HIGH COURT OF M.P AT JABALPUR)

STATE OF MADHYA PRADESH

Petitioner(s)

VERSUS

NARMADA BACHAO ANDOLAN & ANR.

Respondent(s)

(With appln(s) for permission to file lengthy list of dates and prayer for interim relief and office report )

WITH SLP(C) NO. 8193 of 2008

(With appln(s) for permission to file lengthy list of dates and prayer for interim relief and office report )

Date: 14/05/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s) Mr. H.N.Salve, Sr. Adv.  
Mr. C.D. Singh, Adv.  
Mr. Merusagar Samantaray, Adv.  
Mr. Sunny Chowdhary, Adv.

Mr. Ravi S. Prasad, Sr. Adv.  
Ms. Suparna Srivastava, Adv.  
Ms. Nidhi Minocha, Adv.  
Mr. Ram Swarup Sharma, Adv.

For Respondent(s) Dr. Rajeev Dhawan, Sr. Adv.  
in SLP 7971/08 Mr. Nikhil Nayyar, Adv.  
for R.1 Mr. Ankit Singhal, Adv.  
Mr. TVS Raghavendra Sreyas, Adv.

In SLP 8193/08 Mr. Sanjay Parikh, Adv.  
Mr. Nikhil Nayyar, Adv.  
Mr. Ankit Singhal, Adv.  
Mr. TVS Raghavendra Sreyas, Adv.

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UPON hearing counsel the Court made the following  
ORDER

By the impugned order dated 21.2.2008, the High Court having considered the grievances of the oustees of Omkareswar Project, relating to house plots, rehabilitation grants, transportation assistance, house construction assistance as also allotment of agricultural land in lieu of acquired land, disposed of the writ petition with certain declarations and

directions (contained in Para 64). Clause (i) thereof relates to entitlement of displaced families and encroachers for agricultural land. Clause (iii) relates to entitlement of major sons for agricultural land. Clause (ii) declares that landless labourers will not be entitled to allotment of agricultural land. Clause (iv) and (v) contain the following directions:

"(iv) Any oustee who has a grievance that he has not been given his entitlement as per the R&R of 1993 as amended from time to time and as per the observations in this judgment, may lodge a grievance directly with the GRA by 31st March, 2008 and the GRA will look into all pending grievances and such new grievances which may be filed by 31st March, 2008, and will submit a report in this court by 14th June, 2008 and the matter will be listed before the court on 17th June, 2008.

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(v) On such a report being filed by the GRA and on the court being satisfied that rehabilitation is complete, appropriate directions will be given for allowing submergence of the remaining 25 villages."

Having heard both sides and considered the facts and circumstances, we deem it appropriate to issue the following interim directions:

(i) The GRA and the High court will proceed in the matter as provided in clauses (iv) and (v) of Para 64 of the order of the High Court. But the grievances that can be taken into account, shall exclude the claims for agricultural land by the oustees who have accepted/received compensation in lieu of land. As a consequence, the High Court will, while issuing appropriate directions regarding raising the water level up to 196.6 meters in the dam, will exclude from consideration any alleged grievance relating to non-grant of agricultural land in lieu of acquired land where compensation in lieu of land has been accepted/received by the oustees.

(ii) The oustees shall also be entitled to crop compensation for loss of any standing crop in the lands which are likely to submerge, as determined by GRA for the current year as an one time measure.

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(iii) The above interim directions subject to the final decision and subject to any direction for the restoration of land or payment of additional compensation (or other relief that may be granted) in the event of the State's contention being rejected.

(iv) The above interim direction will not come in the way of the State Government making efforts to provide land for land, wherever required, in terms of its R&R policy.

List in the last week of July, 2008.

(SUMAN WADHWA)  
COURT MASTER

(VEERA VERMA)  
COURT MASTER