

ITEM NO.201

COURT NO.4

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 30993/2008

(Arising out of impugned final judgment and order dated 08/08/2008 in WA No. 1147/2007 passed by the High Court Of M.p At Jabalpur)

RAMAKANT PANDEY & ANR.

Petitioner(s)

VERSUS

DY.COMMISSIONER, M.P.HSG.BOARD & ORS.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and permission to file additional documents and permission to place addl. documents on record and interim relief and office report)

Date : 08/01/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. B. K. Satija,Adv.

For Respondent(s) Mr. S.K. Dubey, Sr. Adv.
Mr. Jayant Kumar Mehta,Adv.

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

It is not in dispute that the petitioner has already constructed the house after obtaining permission from the Municipality and taken electrical connection must prior to issuance of Notification under Section 4(1) of the Land Acquisition Act, 1894.

For the said reason, the petitioner claims exclusion of his land to the extent occupied by the structure and appropriate open area around the structure in terms of the decision of this Court in Sube Singh Case (2001) 7 SCC 545 and in the case of Jagdish Chand and Anr. Vs. State of Haryana and Anr. (2005) 10 SCC 162.

The respondents are directed to state as to why the land should not be excluded from the land occupied by the structure alongwith appropriate open area around the structure and or such direction be not issued by the Court.

Post the matter on 22nd January, 2015 for final disposal.

(Rajni Mukhi)
Sr. P.A.

(Suman Jain)
Court Master