

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).30283/2008

(From the judgement and order dated 24/10/2008 in WP No.1296/2008 of The HIGH COURT OF BOMBAY)

PUNE MUNICIPAL CORP.& ANR.

Petitioner(s)

VERSUS

HARAKCHAND MISIRIMAL SOLANKI & ORS.

Respondent(s)

(With prayer for interim relief)(for final disposal)

WITH

SLP(C) NO. 30455 of 2008

(With office report)

SLP(C) NO. 30470 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 30467 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 30465 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 30469 of 2008

(With office report)

SLP(C) NO. 30543 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 30546 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 30548 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 15847-15855 of 2010

(With office report)

(for final disposal)

Date: 07/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Mr. Shekhar Naphade, Sr. Adv.

Mrs. Jayashree Wad, Adv.

Mr. Ashish Wad, Adv.

Mrs. Tamali Wad, Adv.

Mr. Preshit Surshe, Adv.

For Respondent(s)

Dr. Abhishek Manu Singhvi, Sr. Adv.

Mr. Sandeep Kapatkar, Adv.

Mr. Kush Chaturvedi, Adv.

Mr. Vivek Jain, Adv.

Mr. Aniruddha P. Mayee, Adv.

Mr. Preshit Surshe, Adv.

UPON hearing counsel the Court made the following

O R D E R

At the threshold of hearing, Shri Shekhar Naphade, learned senior counsel appearing for Pune Municipal Corporation raised four questions including the one that the alleged non-compliance of Section

5A of the Land Acquisition Act, 1894 (for short, 'the Act') is inconsequential because most of the writ petitions were filed after passing of the award. Shri Naphade invited the Court's attention to paragraphs 66 to 70 to show how the matter was discussed by the High Court in the context of alleged violation of Section 5A of the Act.

After Shri Naphade made his preliminary submissions, Dr. Abhishe Manu Singhvi, learned senior counsel representing the landowners submitted that no opportunity of hearing was given to his clients by the Special Land Acquisition Officer under Section 5A (2) of the Act.

Before considering the matter further, we deem it proper to peruse the original record relating to the enquiry held by the Special Land Acquisition Officer.

Learned counsel representing the State of Maharashtra is directed to summon the original record relating to the enquiry conducted by the Special Land Acquisition Officer under Section 5A(1) and (2) of the Act and produce the same on the next date of hearing.

List the cases on 28.10.2013.

Learned counsel instructing Shri Shekhar Naphade, learned senior counsel appearing for the Pune Municipal Corporation and Dr. Singhvi, learned senior counsel appearing for the landowners shall be free to send written request to the counsel for the State for making available the record of the Special Land Acquisition Officer for their inspection.

| (Parveen Kr.Chawla)

| Court Master

| | (Phoolan Wati Arora)

| | Court Master