

ITEM NO.3

COURT NO.5

SECTION IV-A

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10096/2019

(Arising out of impugned final judgment and order dated 26-11-2018 in WP No. 18838/2018 passed by the High Court Of M.p At Indore)

SHANTI DEVI

Petitioner(s)

VERSUS

THE COMMISSIOER (REVENUE) &amp; ORS.

Respondent(s)

(IA No. 55699/2019 - CONDONATION OF DELAY IN FILING

IA No. 55701/2019 - EXEMPTION FROM FILING O.T.)

Date : 16-12-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s)

Mr. Salman Khurshid, Sr. Adv.

Mr. Imtiaz Ahmed, Adv.

Mrs. Nagma Imtiaz, Adv.

Mr. Ahmed Zargham, Adv.

Mr. Vikramaditya Singh, Adv.

M/S. Equity Lex Associates, AOR

For Respondent(s)

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

We have heard Mr. Salman Khurshid, learned senior counsel appearing on behalf of the petitioner and perused the impugned judgment and other materials on record.

Delay condoned.

Since the land in question was acquired, the award was passed way back in the year 1991 and the possession has been taken by the Indore Development Authority and also considering the findings of the impugned judgment, we are not inclined to interfere with the impugned order. The special leave petition is, accordingly,

dismissed.

Learned senior counsel appearing for the petitioner has submitted that the entire compensation payable for the acquired Survey No. 1356/1 has been paid to Keshodevi though the petitioner was entitled a portion of it. Hence he seeks liberty be reserved to the petitioner to claim proportionate compensation *inter se* from the original owner -Keshodevi. In this regard learned senior counsel has drawn our attention to the Agreement dated 12.06.1973 under which Gangabai the petitioner's mother is claiming right over 0.20 acres (sub divided 1356/1/2). Learned senior counsel has also drawn our attention to the Revenue Records to substantiate the contention that the Gangabai - mother of the petitioner has been entered as possessor(Survey No. 1356/1/2)

The petitioner is at liberty to proceed against the Keshodevi or other persons who are said to have received compensation for the acquired land - 1356/1 , if the petitioner is entitled to any compensation.

By perusal of Khasra, it is seen that 1356/1/1 - 0.386 has been recorded in the name of Keshodevi and 1356/1/2 -0.20 has been recorded in the name of Gangabai Babulal - mother of the petitioner.

Learned senior counsel has also drawn our attention to Survey No. 1356/2/1 -0.383 recorded in the name of Padmabai and Survey No. 1356/2/2 -0.200 standing in the name of Gangabai -mother of the petitioner.

Records have been noticed only for the *prima facie* satisfaction of permitting liberty to the petitioner. However,

validity of the claim will have to be established in accordance with law before the Competent Court. All contentions both on law and facts *inter se* between the said parties are left open.

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

(MADHU BALA)  
COURT MASTER (SH)

(BEENA JOLLY)  
BRANCH OFFICER