

Bijendra Singh and others Vs State of Uttar Pradesh and others

Court: Supreme Court of India

Date of Decision: April 9, 2015

Acts Referred: Land Acquisition Act, 1894 - Section 5A, 6

Citation: (2015) 4 RCR(Civil) 632

Hon'ble Judges: H.L. Dattu, C.J.I. and Arun Mishra, JJ.

Bench: Division Bench

Advocate: S.R. Singh, Kiran Suri, P.N. Mishra, Sr. Advocates, Vishwajit Singh, Abhindra Maheshwari, Pankaj Singh, Abhimanyu Singh, Veera Kaul Singh, Apurva Upmanyu, Dipak K. Nag, Vijay Laxmi, Parmanand Gaur, Avnish Singh, Ankur Yadav, Asha Gopalan Nair, Sudhir Kuls

Final Decision: Disposed Of

Judgement

@JUDGMENTTAG-ORDER

Delay, in filing application(s) for substitution, if any, is condoned.

Application(s) for substitution, if any, is allowed.

Delay, in filing the special leave petitions, if any, is condoned.

Civil Appeal No. 3595-3596 of 2015 (Arising out of SLP(C) Nos. 34981-34982 of 2011)

1. Leave granted. The appeal is directed against the judgment and order passed by the High Court of Judicature at Allahabad, in Writ C - No.

66643 of 2010 and Writ-C No. 57238 of 2010.

2. The High Court while granting several reliefs to the writ Petitioners had also observed that the Petitioners are required to be heard in the matter

and therefore, had permitted the Petitioners to file their objections, if any, Under Section 5-A of the Land Acquisition Act, 1894 (for short, "the

Act"). However, the High Court had thought it fit not to quash the declaration made Under Section 6 of the Act.

3. Several contentions are raised by the learned Counsel for the Appellants before us. In our view all these contentions can be taken up by the

Appellants when they file their objections Under Section 5-A of the Act. Therefore, we are not noticing or considering those contentions which are

canvassed before us by learned Counsel for the Appellants.

4. This Court while entertaining the special leave petitions, had granted an order of status quo in favour of the Appellants and the said order is still

operating against the Respondents.

5. In view of the above, we dispose of these appeals. We grant four weeks' time to the Appellants to file their objections Under Section 5-A of

the Act before the competent authorities. If such objections are filed within the time granted by this Court, we direct the authorities to consider the

same in accordance with law and pass an appropriate speaking order.

6. We also reserve liberty to the Appellants to raise all such contentions which are available to them, including the contentions raised in these

appeals and argued before us at the time of hearing of these appeals.

7. The status quo order granted by us will operate against the Respondents till a decision is taken by the Respondents on the objections that may

be filed by the Appellants Under Section 5-A of the Act.

8. We may note that, if for any reason, the Appellants are of the view that since the High Court had granted them liberty to file their objections

Under Section 5-A of the Act, the High Court ought to have quashed Section 6 notification. If that is so, we reserve liberty to the Appellants to file

appropriate review petition(s) before the High Court it-self.

9. If for any reason, the Appellants fail before the High Court in the Review Petition, they are at liberty to move this Court once again, challenging

the order passed in the Review Petition as well as the order impugned in the present appeals.

10. All the contentions of both the parties are kept open to be agitated before the High Court.

In Rest of the matters

11. Leave granted. All the civil appeals are disposed of in the same terms, observations and directions as in civil appeals arising out of SLP(C)

Nos. 34981-34982 of 2011.

Contempt Petition (C) No. 534 of 2014 In Special Leave Petition (C) Nos. 17068-17071 of 2012

The contempt petition is disposed of in view of the order passed in the civil appeals arising out of SLP(C) Nos. 34981-34982 of 2011, and

connected matters.