

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. .... OF 2023  
( SLP(C) NO. 24637/2017)

DEVENDRA KUMAR

APPELLANT(S)

VERSUS

STATE OF UP & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

Feeling aggrieved and dissatisfied with the impugned judgment and order datd 24.04.2017 passed by the High Court of Judicature at Allahabad passed in First Appeal No. 76 of 2015, by which the High Court has disposed of the said appeal in terms of the earlier judgment dated 17.12.2009.

From the impugned judgment and order passed by the High Court, it appears that there is no discussion at all how the order which has been relied upon is comparable with respect to the acquisition in question. There is no further discussion/observation at all on which date Section 4 notification was issued and it was with respect to which village. We do not approve the manner in which the High Court has disposed of the first appeal. The impugned order passed by the High Court thus can be said to be a non-speaking order disposing of an appeal in which the enhancement of the compensation was prayed.

Under the circumstances and without expressing anything on merits in favour of either parties, we simply set aside the impugned order passed by the High Court and remand the matter to the High Court for a fresh decision of First Appeal No. 76/2015, which shall be dealt with and considered by the High Court in accordance with law and on its own merits. The appeal, on remand, be decided and disposed of at the earliest and preferably within a period of one year from the date of receipt of the present order as the First Appeal before the High Court was of the year 2015 and the acquisition seems to be of 1987.

The appeal is disposed of accordingly.

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

..... J.  
[M.R. SHAH]

..... J.  
[ MANOJ MISRA]

NEW DELHI;  
MAY 02, 2023.

ITEM NO.38

COURT NO.4

SECTION XI

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). 24637/2017  
(Arising out of impugned final judgment and order dated 24-04-2017  
in FA No. 76/2015 passed by the High Court Of Judicature At  
Allahabad)

DEVENDRA KUMAR

Petitioner(s)

VERSUS

STATE OF UP & ORS.

Respondent(s)

( IA No. 72360/2017 - EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No. 14643/2020 (XI)

( FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
124342/2020

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
30307/2021

IA No. 124342/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 30307/2021 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 330/2021 (XI)

(IA No. 1217/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 1210/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 1212/2021 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 3152/2021 (XI)

(IA No. 25840/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 25841/2021 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 13047/2021 (XI)

(FOR ADMISSION and I.R. and IA No.104942/2021-EXEMPTION FROM FILING  
C/C OF THE IMPUGNED JUDGMENT

IA No. 74194/2022 - APPLICATION FOR SUBSTITUTION)

SLP(C) No. 14414/2021 (XI)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
116278/2021

FOR EXEMPTION FROM FILING O.T. ON IA 116280/2021

IA No. 116278/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 116280/2021 - EXEMPTION FROM FILING O.T.)

Date : 02-05-2023 These matters were called on for hearing today.

**CORAM :**

**HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s)** Mr. Haraprasad Sahu, Adv.  
Mr. Kamlesh Kumar Mishra, Adv.  
Mr. Pranaya Kumar Mohapatra, AOR

Mr. Yatindra Singh, Sr. Adv.  
Mr. Ajit Singh Pundir, AOR  
Mr. D V Singh, Adv.  
Mr. Arijeet Singh, Adv.  
Mr. Shanti Swaroop Singh, Adv.

Mr. Sachin Awana, Adv.  
Mr. Bhuwan Raj, AOR

Mr. Ravindra Kumar, Sr. Adv.  
Mr. Binay Kumar Das, AOR  
Ms. Priyanka Das, Adv.  
Ms. Neha Das, Adv.

Mr. Rajnish Kumar Jha, AOR  
Mr. Bishnu Prasad Tiwari, Adv.  
Mr. Mahendra Kumar, Adv.

**For Respondent(s)** Mr. Ravindra Kumar, Sr. Adv.  
Mr. Abhay Kumar Tayal, AOR

Mr. Anil Kaushik, Adv.  
Mr. Abhishek Mishra, Adv.  
Mr. Rajat Rana, Adv.  
Ms. Anju Kaushik, Adv.  
Mr. Rajinder Singh, Adv.  
Ms. Arunima Dwivedi, AOR

Mr. Ardhendumauli Kumar Prasad, A.A.G.  
Ms. Alka Sinha, Adv.  
Mr. Anuvrat Sharma, AOR

Mr. K. S. Rana, AOR  
Mr. Binay Kumar Das, AOR

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

**SLP(C) No.24637/2017**

**Leave granted.**

The appeal is disposed of in terms of the enclosed signed order.

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

SLP(C) No. 14643/2020

Learned counsel for the petitioner(s) seeks withdraw the present petition.

In view of the statement made, the Special Leave Petition is dismissed as withdrawn.

SLP(C) No. 330/2021

Having heard learned counsel for the petitioner(s) and having gone through the impugned order, we do not see any reason to interfere with the same.

Accordingly, the special leave petition is dismissed.

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

SLP(C) No. 3152/2021

We are not inclined to interfere with the impugned judgment and order and hence, the special Leave Petition is dismissed.

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

SLP(C) No. 13047/2021

IA No. 74194/2022 is allowed.

Registry to amend the cause title accordingly.

Registry is directed to issue fresh notice, upon the legal representatives of respondent nos. 3, 4 and 7, returnable on 8<sup>th</sup> August, 2023.

SLP(C) No. 14414/2021

We are not inclined to interfere with the impugned judgment and order and hence, the special Leave Petition is dismissed.

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

(SONIA BHASIN)  
COURT MASTER (SH)

(NISHA TRIPATHI)  
ASSISTANT REGISTRAR