

ITEM NO.35

COURT NO.3

SECTION IV-C

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 SPetition(s) for Special Leave to Appeal (C) No(s). 23712-
23713/2019(Arising out of impugned final judgment and order dated 03-05-2019
in WP No. 2790/2014 05-07-2019 in RP No. 881/2019 passed by the
High Court Of M.p At Gwalior)

M/S. SHRI KESHARIYA CONCRETE PRODUCT PVT. LTD. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

Date : 11-04-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Nikhil Nayyar, Sr. Adv.
Mr. Divyanshu Ravi, Adv.
Mr. T. V. S. Raghavendra Sreyas, AOR
Mrs. Gayatri Gulati Sreyas, Adv.
Mr. Siddharth Vasudev, Adv.For Respondent(s) Mr. K M Natraj Ld ASG
Mr. R. Balasubramanian, Sr. Adv.
Mr. Sharath Narayan Nambiar, Adv.
Mr. Pranay Ranjan, Adv
Mr. Prashant Singh (A), Adv.
Mr. Amrish Kumar Sharma, AOR

Mr. Raj Bahadur, AOR

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

Heard learned counsel for the parties.

The petitioner by way of writ petition under Article 226 of the Constitution of India had assailed the orders dated 06.09.2013, 12.09.2013, 30.01.2014 and 16.01.2014. The grievance before this Court is that the High Court has not dealt with two specific issues raised by the

petitioner.

The first is that even going by the extracted table at page 10 of the impugned judgment, the price per square meter referred to therein is in respect of land situated in Village Bareth, whereas the land occupied by the petitioner is situated at village Bhargharu, District-Vidisha.

Secondly, the price of Rs. 2000/- per square meter is applicable only to plots in village for area up to 300 square meters, whereas the plot occupied by the petitioner is around 15,000/- square meters to which different price structure must apply. In addition, the land allotted to the petitioner is for non-commercial activity, whereas the price claimed from the petitioner is on the basis of plot allotted for commercial purposes.

The petitioner may be justified in making grievance that these aspects have not been specifically dealt with by the High Court in the impugned judgment and order.

In response, the learned counsel for the respondent, in all fairness, submits that the petitioner may make fresh representation to the Divisional Railway Manager, Western Central Railway, Bhopal within two weeks from today.

If such representation is made, we direct the Divisional Railway Manager, Western Central Railway, Bhopal to examine the same on the basis of rules/policy, as applicable at the relevant time, and take appropriate decision thereon on its own merits afresh. The decision be taken by the Divisional Railway Manager, Western Central Railway, Bhopal not later than six weeks from the receipt of the representation.

If that decision is not acceptable to the petitioner, it will be free to take recourse to appropriate remedy, as may be permissible in law.

If the petitioner fails to make representation within two weeks from today, it will be open to the Divisional Railway Manager, Western Central Railway, Bhopal to proceed on the basis of the impugned demand made against the petitioner, which was the subject matter of challenge before the High Court, in accordance with law.

The special leave petitions are disposed of accordingly.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)