

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.(S) 10198 OF 2017
[Arising out of Special Leave Petition
(Civil) No.13269 of 2015]

STATE OF U.P. & ORS. ...APPELLANT(S)

VERSUS

JAGDEV SINGH ...RESPONDENT(S)

ORDER

1. Leave granted.
2. We have heard the learned counsels for the parties.
3. The High Court by the impugned order has issued a writ of mandamus directing the State Government to reconsider the case of the respondent - writ petitioner for release of land which was the subject matter of acquisition under the Land Acquisition Act, 1894.

4. We have considered the materials on record. We have taken note of what has been emphatically stated by the State in its affidavit before this Court that 80% of the construction work for which purpose the land was acquired (of which the respondent's land is a part) has been completed. Though in the said affidavit the State has further stated that there is no running factory as claimed by the respondent - Jagdev Singh on the land in question we would not like to enter into the said arena as the said assertion made by the State is disputed by the learned counsel for the respondent. However, taking into account the fact that the acquisition is of the year 2005-2006 has not been challenged by the respondent and Section 48 of the Land Acquisition Act, 1894 under which release of the land is prayed for does not vest in the respondent

- writ petitioner a right of release and as in the meantime an award has also been finalized on 31st December, 2013 we are of the view that the High Court was not justified in passing the impugned directions.

5. We accordingly set aside the order of the High Court and allow this appeal. The compensation amount in terms of the award be paid to the respondent - writ petitioner within a period of four weeks from today.

.....,J.
(RANJAN GOGOI)

.....,J.
(NAVIN SINHA)

NEW DELHI
AUGUST 04, 2017

ITEM NO.9

COURT NO.3

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). 13269/2015
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 19-09-2014
IN WC NO. 36455/2013 PASSED BY THE HIGH COURT OF JUDICATURE AT
ALLAHABAD)

STATE OF U.P. & ORS.

PETITIONER(S)

VERSUS

JAGDEV SINGH

RESPONDENT(S)

Date : 04-08-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. D.K. Singh, AAG,UP
Mr. Ardhendumauli Kumar Prasad, AOR
Ms. Komal Mundhra, Adv.
Mr. Saurabh Agrawal, Adv.
Mr. Akshat Kumar, Adv.

For Respondent(s)

Mr. Abhishek Chaudhary, Adv.
Mr. Anurag Kishore, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order. The compensation amount in terms of the award be paid to the respondent - writ petitioner within a period of four weeks from today.

[VINOD LAKHINA]

AR-cum-PS

[ASHA SONI]

BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]