

(2008) 12 SC CK 0127

In the Supreme Court Of India

Case No : Special Leave Petition (C) No's. 23378-23379, 24389-24390 and 24391-24392 of 2008

Special Land Acquisition Officer, Karnataka Industrial Areas
Development Board, Dharwad, Karnataka

APPELLANT

Vs

Revanasiddappa

RESPONDENT

Date of Decision : 18-12-2008

Acts Referred:

Citation : (2009) 2 AWC 1279 Supp : (2009) 1 SCALE 153 : (2008) 15 SCC 257

Hon'ble Judges : V. S. Sirpurkar, J; Tarun Chatterjee, J

Bench : Division Bench

Advocate : Kiran Suri, for the Appellant; Shivaji M. Jadhav, Kunal Verma, K. Krishna Kumar, Mallikarjun S. Mylar and E.R. Sumanthy, for the Respondent

Final Decision : Allowed

Judgement

1. At the time of issuing notice in the SLPs, this Court, on 29th of September, 2008, passed the following order:

There shall be stay of operation of the impugned order for a period of two months from this date on condition that the petitioners shall deposit half of the amount awarded by the High Court in the Reference Court within one month from this date

2. The respondents have now filed the Interlocutory applications (IA No. 1&2 in SLPs 23378-79/2008, IA Nos. 3&4 in SLPs 24391-24392/2008), seeking release of pre-deposit amount in terms of the above order granted on 29th of September, 2008 and IA Nos. 3-4 in SLPs 23378-79/2008 for permission to file additional documents.

Before us, Ms. Kiran Suri, learned Counsel appearing on behalf of the petitioner submitted on instructions that in compliance with the aforesaid order of this Court, 50% of the amount awarded by the High Court in the Reference case has already been deposited. Such being the position and considering the total

amount of compensation payable on the basis of the order of the High Court, we dispose of these applications for release of pre-deposit amount on the following terms and conditions:

a) There shall be stay of operation of the impugned order till the disposal of the petitions or until further orders of this Court.

b) The claimants are entitled to withdraw 50% of the amount already deposited by the petitioner in compliance with our interim order passed on 29th of September, 2008 without furnishing any security and the balance 50% of the amount deposited in compliance with our order can be withdrawn by the claimants/respondents after furnishing security to the satisfaction of the Reference Court, Gulbarga where the money has already been deposited.

c) Hearing of these Special Leave Petitions be expedited.

Let the Special Leave Petitions be listed for hearing on any Non-Miscellaneous day in the month of March, 2009. These applications are thus disposed of.

We, however, make it clear that in the event it is found that the amount deposited by the petitioner in compliance with our order dated 29th of September, 2008 is not the amount awarded by the High Court, in that case, it will be open to the claimants/respondents to apply for vacating this interim order.