
(2016) 06 SC CK 0051

In the Supreme Court Of India

Case No : Civil Appeal No. 5395 of 2016 [@ Special Leave Petition (C) No. 24110 of 2014]

Surendra Kumar Gupta and Others

APPELLANT

Vs

State of U.P. and another

RESPONDENT

Date of Decision : 29-06-2016

Acts Referred:

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — Section 24(2)

Citation : (2016) DNJ 569 : (2016) 6 JT 305

Hon'ble Judges : Kurian Joseph; Rohinton Fali Nariman, JJ.

Bench : Division Bench

Advocate : Rakesh Dwivedi, Sr. Advocate, Akshat Kumar, Anish Agarwal, Advocates, for the Appellant; Tanmay Agrawal, Raman Yadav, Upendra Mishra, Vinay Garg, Ranbir Singh Yadav, Advocates, for the Respondent

Final Decision : Disposed Of

Judgement

Kurian, J. - Leave granted.

2. The appellants are aggrieved by the impugned Judgment and order dated 05.08.2014 passed by the High Court of Allahabad in Writ Petition (C) No. 39957 of 2014.

3. In the nature of the order we propose to pass, it is not necessary to go into the factual matrix.

4. The appellants took up the contention that by virtue of the operation of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, "the Act"), the whole acquisition proceedings initiated by the first respondent in respect of the appellants' property have lapsed. The High Court declined to go into this aspect, stating that it is a belated contention.

5. In the facts of this case, we are of the view that the High Court was not

justified in declining to consider this aspect. After all, the Act itself was introduced only on 01.01.2014. Obviously, the contention regarding operation of Section 24(2) of the Act can be advanced only thereafter.

6. In the above circumstances, we set aside the impugned Judgment and remit the matter to the High Court to consider as to whether acquisition proceedings have lapsed by virtue of operation of Section 24(2) of the Act.

7. Needless to say that it will be open to the parties to raise all available contentions on the factual aspect of lapse and file additional documents.

8. The interim order passed by this Court shall continue till the writ petition is disposed of afresh by the High Court.

9. We request the High Court to dispose of the writ petition expeditiously and preferably before the end of this year.

10. In view of the above observations and directions, the appeal is disposed of.

11. No costs.