

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7945 OF 2009
(Arising out of S.L.P. (C) 4943 of 2008)

Rayeesabegum & Another

...Appellants

VERSUS

Special Land Acquisition Officer

...Respondent

ORDER

1. Leave granted.
2. In our view, this appeal needs to be sent to the High Court on remand to consider the appeal afresh on merits. The decision in Bhag Singh & Ors. Vs. Union Territory of Chandigarh through the Land Acquisition Officer, Chandigarh [1985 (3) SCC 737] and Buta Singh Vs. Union of India [1995 (5) SCC 283] were duly considered in a recent decision of this Court in the case of Chandrashekhar and Ors. Vs. Additional Special Land Acquisition Officer [2009 (9) SCALE 434] on the question of payment of enhanced compensation if additional Court Fees are paid. In that decision, it has been held that the enhanced compensation can be directed to be paid to the claimants/appellants in the event the claimants/appellants deposit the requisite Court Fees on the enhanced amount.
3. Since we are sending this appeal back to the High Court for decision on the aforesaid question relating to the payment of enhanced compensation, if additional Court

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Fees are paid and also the other questions that may be raised by the parties before the High Court, the High Court is requested to decide the appeal after remand within a period of three months from the date of supply of a copy of this order to it, without granting unnecessary adjournment to either of the parties.

4. Accordingly, the impugned order is set aside. The appeal is allowed to the extent indicated above. There will be no order as to costs.

.....J.
[Tarun Chatterjee]

New Delhi;
November 30, 2009

.....J.
[Surinder Singh Nijjar]

ITEM NO.77
[FOR ORDERS]

COURT NO.3

SECTION IVA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)
No(s).4943/2008
(From the judgement and order dated 16/09/2006 in FA No.
11268/2005 of The HIGH COURT OF KARNATAKA AT BANGALORE)

RAYEESABEGUM & ANR. Petitioner(s)

VERSUS

SPECIAL LAND ACQUISITION OFFICER Respondent(s)

Date: 30/11/2009 This matter was called on for orders
today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. Yash Pal Dhingra,Adv.

For Respondent(s) Ms. Anitha Shenoy,Adv.

Hon'ble Mr. Justice Tarun Chatterjee
pronounced non-reportable judgment of the Bench
comprising of His Lordship and Hon'ble Mr.
Justice Surinder Singh Nijjar.

Leave granted.

The appeal is allowed to the extent
indicated in the and in terms of the signed
non-reportable order placed on the file.

(A.D. Sharma) (Phoolan Wati Arora)
Court Master Court Master
(Signed Non-reportable Order is placed on the file)