

SECTION – IX
IN THE SUPREME COURT OF INDIA
CIVIL APPEALATTE JURISDICTION

INTERLOCUTORY APPLICATION NO.5
(Application for correction of Order dated 19.02.2015)
IN
CIVIL APPEAL NO. 7107 OF 2012

VASANTLAL N SANGHAVI & ORS.

...APPELLANTS

-VERSUS-

SPL. LAND ACQUISITION OFFICER & ORS.

...RESPONDENTS

OFFICE REPORT

It is submitted for the information of the Hon'ble Court that the civil appeal above mentioned was listed before the Hon'ble Court on 19.02.2015, when the Court was pleased to pass the following Order :

“A perusal of the Impugned Order discloses that the Division Bench of the High Court of Judicature at Bombay had arrived at the conclusion that the Writ Petition was barred from consideration on the application of doctrine of Laches.

It appears that Writ Petition (Lodging) No.1163 of 2007 was filed on 28th May, 2007 of predicated on Section 11A of the Land Acquisition Act, 1894. This Petition came to be dismissed on 5th June, 2007, with liberty granted to the Appellant to file a fresh Petition. All throughout, it is evident, that possession of the land remained with the Appellant, and interim orders protecting the possession also came to be passed from time to time. These orders have been passed in Writ Petition No.2165 of 2007 which came to be filed on 8th June, 2007. On 28th September, 2011 Writ Petition No.2165 of 2007, on being taken up for hearing was also allowed to be withdrawn with liberty to file a fresh Writ Petition. In fact, the Interim Orders were continued for a period of four weeks. On 18th October, 2011 the Writ Petition from which the Impugned Order emanates was filed. In view of the sequence of events, we are unable to appreciate the conclusion of the High Court that the Writ Petition was barred by laches.

In these circumstances, the Appeal is allowed and the matter is remanded back to the High Court for a fresh consideration of Writ Petition (Lodging) No.2320 of 2011. Needless to state all points of facts and of law including Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2014 are left open to be agitated by the parties to the proceedings.”

It is further submitted that Mr. T. Mahipal, Advocate for the appellant has filed an application for correction of Court's Order dated 19.02.2015, which has been registered as Interlocutory Application No.5.

The application in the matter above-mentioned is listed before the Hon'ble Court with this office report.

Dated this the 08th day of April, 2015.

ASSISTANT REGISTRAR

Copy to:s

Mr. T. Mahipal, Advocate

ASSISTANT REGISTRAR

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