

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11577 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 5226 OF 2016]

MANEESH BAWA AND ORS.

Appellant(s)

VERSUS

SPECIAL LAND ACQUISITION OFFICER (7),
BOMBAY AND ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellants are aggrieved since the Notification dated 04.03.1987 under Sub-Section 4 of Section 126 of the MRTP Act was not quashed. It was also made clear that the acquisition would be proceeded further, treating the same as under Subsection (4) of Section 126 of the MRTP Act read with Section 6 of the Land Acquisition Act, 1894.

3. When the matter came up before us, while issuing notice, the following order was passed :-

"Issue notice.

Ms. Suchitra Atul Chitale, learned counsel, accepts notice on behalf of the respondents.

The learned senior counsel appearing for the petitioners submits that in the new scheme, they are prepared to surrender 70% of the land so that they can retain 30%. The learned senior

counsel appearing for the respondents seeks time to get further instruction. Post after two weeks.

The parties are directed to maintain status quo with regard to the disputed property."

4. The learned senior counsel appearing for the respondent No. 2, on instruction, submits that there is a Scheme available, known as the 'Accommodation Reservation Policy' dated 02.05.2016.

5. Therefore, it is for the appellants to apply in terms of the said Scheme/Policy dated 02.05.2016. Orders in accordance with law and as per the Policy would be passed by the competent authority within a period of two months thereafter.

6. We make it clear that the impugned order passed by the High Court shall not stand in the way of the competent authority passing orders, as above.

7. In view of the above, the appeal is disposed of.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
December 02, 2016.