

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 (C) No(s). 30803/2016

(Arising out of impugned final judgment and order dated 04-10-2016 in CMWP No. 22910/2016 passed by the High Court Of Judicature At Allahabad)

BRAHM PAL

Petitioner(s)

VERSUS

STATE OF U.P. THROUGH PRINCIPAL SECRETARY & ORS. Respondent(s)
(WITH IA No.111838/2017-DISCHARGE OF ADVOCATE ON RECORD)

WITH

SLP(C) No. 30906/2016 (XI)
SLP(C) No. 31992/2016 (XI)
SLP(C) No. 36255/2016 (XI)
SLP(C) No. 361-362/2017 (XI)
SLP(C) No. 8620/2017 (XI)
SLP(C) No. 9230/2017 (XI)

SLP(C) No. 22956/2017 (XI)
(WITH IA NO.63735/2017-CONDONATION OF DELAY IN FILING AND IA NO.63742/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.63739/2017-APPLICATION FOR SUBSTITUTION AND IA NO.63741/2017-EXEMPTION FROM FILING O.T. AND IA NO.63740/2017-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. AND IA NO.63743/2017-CONDONATION OF DELAY IN REFILING)

SLP(C) NO. 19417/2017 (XI)
(FOR ADMISSION AND I.R. AND IA NO.48056/2017-CONDONATION OF DELAY IN FILING AND IA NO.48058/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.48059/2017-EXEMPTION FROM FILING O.T.)

SLP(C) No.27168/2017

(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.)

Date : 16-11-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. V. Giri, Sr. Adv.
Mr. Praveen Kumar Singh, Adv.
Mr. Ziauddin Ahmad, Adv.
Mr. Utkarsh Singh, Adv.

Mr. Avi Batra,Adv.
Mr. Balkrishan Sharma,Adv.

Mr. Sushil Kumar Jain,Sr.Adv.
Mr. Gaurav Agarwal,Adv.
Ms. Shristi Gupta,Adv.
Mr. Pankaj Kumar Singh,Adv.
Mr. Raj Singh Rana,Adv.

Mr. Arvind Kumar Sharma,Adv.
Mr. Sumi P.S.,Adv.
Mr. F. I. Choudhury, AOR

Mr. Rajiv Shankar Dvivedi, AOR

Mr. Arvind Kumar Sharma,Adv.
Mr. Hara Prasad Sahu,Adv.
Mr. Shiv Kant Mishra,Adv.
Mr. Kamlesh Kumar Mishra,Adv.
Mr. Sunil Kumar Pandey,Adv.
Mr. F.I. Choudhury,Adv.
Mr. Pranaya Kumar Mohapatra, AOR

Mr. Arun K. Sinha, AOR
Mr. Sumit Sinha,Adv.
Mr. Rakesh Singh,Adv.
Mr. sinha Shrey Nikhilesh,Adv.

Mr. Achintya Dvivedi,Adv.
Mr. Bhagabati Prasad Padhy, AOR

Dr. Rajeev Sharma,Adv.
Mr. Pankaj Dubey,Adv.
Mr. Dharmendra Sharma,Adv.
Mr. Vipin Kumar Sharma,Adv.
Mr. Raghuvir Sharma,Adv.
Mr. Haji Salimuddin,Adv.
Mr. Bhanwar Pal Singh Jadon,Adv.

For Respondent(s) Mr. Pramod Swarup,Sr.Adv.
Ms. Alka Sinha,Adv.
Mr. Anuvrat Sharma, AOR

Mr. Ravindra Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

In Writ Petition No.44731/2016 and connected cases before the High Court of Uttar Pradesh at Allahabad, we find that the State has taken a stand that 01.01.2014 can be taken as the date for the

purpose of fixation of market value in the case of land acquisition proceedings commenced prior to the introduction of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 but the awards passed after its introduction. It is also brought to the notice of this Court that the States of Maharashtra and Odisha and the Union Territory of Puducherry have adopted the instructions dated 26.10.2015 issued by the Government of India clarifying by way of a suggestion that 01.01.2014 can be taken as the date for the purpose of fixation of market value.

We also find that there are at least four judgments in which the High Court has taken the stand in terms of the clarification by the Government of India and one such judgment has become final since the special leave petition (SLP(C) No.17660/2017) has been dismissed by this Court on 19.07.2017.

We direct the State of Uttar Pradesh to clarify its position specifically on this point.

Post on 21.11.2017.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASST. REGISTRAR