

REPORTABLEIN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO.20919 OF 2017  
(@ SLP(C)NO.33858 OF 2017 @ D.NO. 39356 OF 2016)

MANSUKHBHAI DHAMJIBHAI PATEL &amp; ANR. . . . APPELLANT(S)

VERSUS

STATE OF GUJARAT &amp; ORS. . . . RESPONDENT(S)

WITH

CIVIL APPEAL NO.20920 OF 2017  
(@ SPECIAL LEAVE PETITION(CIVIL)NO. 21443 OF 2017)CIVIL APPEAL NO.20921 OF 2017  
(@ SLP(C)NO.33862 OF 2017 @ D.NO. 39355 OF 2016)O R D E R

1. Leave granted. Heard learned counsel for the parties.

2. The land of the appellants was acquired in the year 1981 for the purpose of construction of a dam. In the year 2011, the appellants approached the High Court for release of the land in view of Resolution of the Government dated 31.08.2001 permitting re-grant of land where land is considered to be of no use for public purpose. The learned Single Judge directed consideration

of the said prayer which was rejected.

3. The appellants again approached the High Court. The High Court held that the land once acquired for public purpose could not be re-granted to the original owner in view of the law as laid down by this Court in *V. Chandrasekaran and Anr. Vs. Administrative Officer and Ors.* (2012) 12 SCC 133. The High Court concluded thus:

"It can thus be seen that the petitioner's request for re-grant of the land is legally not tenable. Nothing was stated by the learned Single Judge in his decision dated 06.08.2015 to change this position. Learned Judge merely directed reconsideration of the question of re-grant of land. Same cannot be done de-hors the law settled by Supreme Court through series of judgements. Merely because Government agencies opined that the land is no longer needed or that the same can be re-granted, would not change this legal position".

4. When the matter came up for consideration before this Court, the following order was passed:

"Delay condoned.  
Issue notice to consider the validity of policy which enables re-grant of land vested in the State without any valid criteria and without applying the doctrine

of public trust in the matter of disposal of government land".

5. Learned counsel appearing for the State submits that the policy was made to help landless people and since the appellants were not landless, they are not entitled to avail of the policy. However, the policy was justified.

6. We are of the view that the policy is in violation of law. The High Court was justified in holding that re-grant of land is not permissible. It is a different matter if there is policy for rehabilitation for persons displaced by the land acquisition, in case such persons are rendered landless. If land acquired for public purpose is no longer needed for such purpose, the State can transfer such land but such disposal is regulated by doctrine of public trust. Thus apart from the appellants having not been found entitled to re-grant of the acquired land, re-grant policy itself is against Article 14 as interpreted in several decisions including in *In Re: Natural Resources Allocation*, (2002) 10 SCC 1.

7. Accordingly, we direct that the policy of the State for re-grant may not be given effect to in future. The State will be at liberty to frame the appropriate policy in accordance with law for

rehabilitation of the displaced persons who are rendered landless on account of acquisition within a period of three months.

8. We make it clear that disposal of property vested in the State can only be consistent with Article 14 of the Constitution of India.

The appeals are, accordingly, disposed of.

.....J.  
[ADARSH KUMAR GOEL]

NEW DELHI  
1<sup>st</sup> DECEMBER, 2017

.....J.  
[UDAY UMESH LALIT]

ITEM NO.8

COURT NO.10

SECTION III

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) D. No(s). 39356/2016  
(Arising out of impugned final judgment and order dated 25-04-2016  
in SCA No. 4657/2016 passed by the High Court Of Gujarat At  
Ahmedabad)

MANSUKHBHAI DHAMJIBHAI PATEL &amp; ANR.

Petitioner(s)

VERSUS

STATE OF GUJARAT &amp; ORS.

Respondent(s)

([TO BE SHOWN AS SLP(C) DIARY NO. 39356/2016] IA  
No.119096/2017-CONDONATION OF DELAY IN FILING and IA  
No.119098/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
and IA No.119100/2017-EXEMPTION FROM FILING O.T. and IA  
No.119097/2017-CONDONATION OF DELAY IN REFILING)

WITH

SLP(C) No. 21443/2017 (III)

(IA No.72778/2017-CONDONATION OF DELAY IN REFILING and and IA  
No.72775/2017-EXEMPTION FROM FILING O.T. and IA  
No.72776/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
and IA No.72777/2017-CONDONATION OF DELAY IN FILING)

SLP(C) D 39355/2016 (III)

([TO BE SHOWN AS SLP(C) DIARY NO. 39355/2016] IA  
No.112619/2017-CONDONATION OF DELAY IN FILING and IA  
No.112621/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
and IA No.112623/2017-EXEMPTION FROM FILING O.T. and IA  
No.112620/2017-CONDONATION OF DELAY IN REFILING)

Date : 01-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Puneet Jain, Adv.  
Ms. Christi Jain, Adv.  
Ms. Priyal Jain, Adv.  
Ms. Pratibha Jain, AOR

For Respondent(s) Ms. Hemantika Wahi, AOR  
Ms. Jesal Wahi, Adv.  
Ms. Puja Singh, Adv.  
Ms. Shodhika Sharma, Adv.

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

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the  
signed order.

Pending application(s), if any, shall also stand  
disposed of.

(MADHU BALA)

COURT MASTER (SH)

(Signed reportable order is placed on the file)

(SNEH LATA SHARMA)

BRANCH OFFICER