

ITEM NO.33

COURT NO.12

SECTION XI

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). 19309/2017

(Arising out of impugned final judgment and order dated 17-11-2016 in WC No. 32837/2002 passed by the High Court Of Judicature at Allahabad)

ANIL KUMAR GOEL & ANOTHER

Petitioner(s)

VERSUS

STATE OF UP & ORS.

Respondent(s)

Date : 05-09-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Dr. (Mrs.) Vipin Gupta, AOR

For Respondent(s)

Mr. Abhishek Chaudhary, AOR

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

Our attention is drawn to the averments made in the writ petition (page nos. 125-126 of the paper book) wherein the petitioners have accepted that the land in question was mentioned in the notifications issued under Section 4 and Section 6 read with sub-section (1) and sub-section (1-A) of Section 17 of the Land Acquisition Act, 1894 (for short, the 'Act'), as amended in its application to the State of Uttar Pradesh.

In view of the aforesaid position, we would not permit the

petitioners to argue that the land in question was not subject matter of the notifications as there is an admission by the petitioners accepting the stand of the respondent(s).

The other issue relates to whether the acquisition proceedings had lapsed in terms of Section 11A of the Act. As noticed above, the writ petitions have referred to proceedings under Section 17 of the Act. However, learned counsel for the petitioners would like to examine the file and obtain instructions and, if necessary, would file a short affidavit within a period of four weeks narrating the correct factual position. Response thereto would be filed by the petitioner within two weeks of the service of the said affidavit.

List in the week commencing from 28th November, 2022.

(SONIA BHASIN)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)