

M/s. Laxmichand Bhagaji

Vs

Union of India and Others

Special Leave Petition (Civil) No. 1224 of 1986

(L. M. Sharam, Dr. T. K. Thommen JJ)

12.09.1989

ORDER

SHARMA, J. –

1. These three special leave petitions along with several other cases were heard together. They are directed against the judgment of the Delhi High Court rejecting the writ petitions of the present petitioner challenging a notification issued under Section 4 of the Land Acquisition Act. It is stated by Dr. Chitale, the learned counsel for the petitioners in the Special Leave Petition No. 1224 of 1986 that on a subsequent writ petition filed by another interested party, the High Court has struck down the subsequent notification issued under Section 6 of the Act and in the circumstances the present special leave petitions have become infructuous and will not be pressed. The learned counsel on behalf of the respondents has refuted the preposition. He says that the subsequent judgment of the Delhi High Court may be impugned in this Court and if the challenge is successful, the petitioners who are not parties to that case will not be in a position to take any advantage out of the aforesaid judgment of the High Court. Alternatively, the learned counsel for the respondents has contended that even if the said notification issued under Section 6 finally stands quashed, the authorities will be entitled to issue a fresh notification under Section 6 on the basis of the Section 4 notification which has been unsuccessfully challenged by the petitioners in the present cases. We do not consider it necessary to decide the question as to whether the special leave petitions have become infructuous or not and whether on their withdrawal by the petitioners they are going to suffer in the long run as the learned counsel for the petitioners, even after we made this position clear to them, stated that the SLPs would not be pressed. Since the petitioners are withdrawing the SLPs at their own risk, the same are dismissed as withdrawn. There will be no order as to costs.

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