

**SUPREME COURT OF INDIA**

U.P.Avas Evam Vikas Parishad.U.P

Vs.

Durga Das & Ors.

C.A.No.762 of 2008

(Altamas Kabir and J.M.Panchal,JJ.)

25.01.2008

**ORDER**

[Arising out of SLP(C) No.21022 of 2006]

1. Having regard to the facts of the case, while considering the application for condonation of the delay in making the deposit in terms of the order dated 04.01.2007 and upon hearing counsel for the parties, we decided to dispose of the Special Leave Petition finally at this stage itself. Delay in making depositing 50% of the enhanced amount condoned. Leave granted.
2. This appeal was filed against the order passed by the High Court refusing to grant interim order on the prayer made on behalf of the appellant herein to stay the order passed by the Reference court.
3. While issuing notice in the special leave petition on 04/01/2007, this Court had directed stay of operation of the order passed by the Reference Court under Section 18 of the Land Acquisition Act, 1894 on condition that the petitioner would deposit 50% of the amount of the enhanced compensation within four weeks in the High Court. The claimants were also made entitled to withdraw 50% of the enhanced compensation, as was ordered to be deposited, without furnishing any security. Learned counsel appearing for the appellant submits that since there was a delay in tendering the deposit, the High Court has refused to accept the same. It is, however, submitted on behalf of the appellant that the amount as directed has been deposited in the Registry of the High Court though the High Court has refused to accept such deposit.
4. We direct the High Court to accept such deposit and to proceed accordingly. The stay granted on 4/01/2007 will continue till the disposal of the appeal before the High Court. The appeal is accordingly disposed of. There will be no order as to costs.