

SUPREME COURT OF INDIA

Union of India

Vs.

Mini India Housing Co-op. Society

C.A.No.2771 of 2002

(H.L.Dattu and K.S.Radhakrishnan JJ.)

27.04.2010

ORDER

1. Heard learned counsel for the parties to the lis.
2. In our opinion, keeping in view the facts and circumstances of the case, we need not have to interfere with the impugned order passed by the High Court of Calcutta (Circuit Bench at Port Blair). Accordingly, we reject the civil appeal.
3. However, the question of law raised by the appellants in this appeal is kept open to be urged and argued in an appropriate case.

“No order as to costs.

Civil Appeal No.6225 of 2004:

Heard learned counsel for the parties to the lis.”

4. This appeal arises out of the order passed by the High Court of Calcutta (Circuit Bench at Port Blair) in C.R. No.14 of 2002 dated 19th September, 2002.
5. By the impugned order, the High Court has only directed the petitioner therein, if it so desires, to file an appropriate application under Section 18 of the Land Acquisition Act, 1894. The High Court gave a week's time to the petitioner therein to prefer such an application before the Reference Court.
6. Aggrieved by the orders passed by the High Court of Calcutta in C.R. No.14 of 2002, the appellant is before us in this appeal.

7. There was a connected appeal bearing Civil Appeal No.2771 of 2002. In that appeal we have taken a view that the lands in question are no more agricultural lands, but non-agricultural lands.

8. It is now for the appellant to make an appropriate application before the Reference Court for fixing the higher rate of compensation in view of the fact that the lands in question are the non-agricultural lands. In that view of the matter, we do not intend to interfere with the order passed the High Court.

9. Accordingly, we dispose of the appeal. However, we grant liberty to the appellant, if it so desires, to make an appropriate application before the Reference Court within four weeks from today. If such an application is filed, the Reference Court will entertain the application and pass appropriate orders after affording opportunity of hearing to the parties.

10. In the facts and circumstances of the case, no order as to costs.