

ITEM NO.21+50

COURT NO.4

SECTION IV-A

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 30326/2023

(Arising out of impugned final judgment and order dated 06-01-2023 in WP No. 102584/2022 passed by the High Court Of Karnataka Circuit Bench At Dharwad)

THE SPECIAL LAND ACQUISITION OFFICER

Petitioner(s)

VERSUS

VITHAL RAO

Respondent(s)

(FOR ADMISSION and I.R. and IA No.170740/2023-CONDONATION OF DELAY IN FILING)

WITH

Diary No(s). 30341/2023 (IV-A)

(FOR ADMISSION and I.R. and IA No.171082/2023-CONDONATION OF DELAY IN FILING)

Diary No(s). 30339/2023 (IV-A)

(FOR ADMISSION and I.R. and IA No.176242/2023-CONDONATION OF DELAY IN FILING)

Diary No(s). 30330/2023

(IA No.179348/2023-CONDONATION OF DELAY IN FILING)

Date : 06-09-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s)

Mr. Avishkar Singhvi, A.A.G.

Mr. V. N. Raghupathy, AOR

Mr. Vivek Kumar Singh, Adv.

Mr. Naved Ahmed, Adv.

Mr. Manendra Pal Gupta, Adv.

For Respondent(s)

Mr. Dhruv Mehta, Sr. Adv.

Mr. Anil C. Nishani, Adv.

Mr. Rajivkumar, AOR

Mr. V Deshpande, Adv.

Mr. Krishna M. Singh, Adv.
Mr. J.k. Mishra, Adv.

Mr. D Seshadri Naidu, Sr. Adv.
Mr. Shyam Aggarwal, Adv.
Mr. Anil C. Nishani, Adv.
Mr. Pradeep Kumar Dwivedi, Adv.
Mr. Rahul Kumar, Adv.
Mr. Rajivkumar, AOR

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

1. Delay condoned.
2. We deprecate the practice of filing such a frivolous petition after the award passed by the Reference Court has attained finality before this Court. The landowners were, thereafter, required to file execution proceedings before the competent authority. The Executing Court passed an order directing payment to the landowners.
3. The petitioner-State did not stop at that and they further challenged that order before the High Court. The High Court by the impugned order directed the petitioner(s) to make the payment of compensation.
4. Even the High Court's order directing payment to the landowners is now challenged by way of special leave petition.
5. Merely because the officers of the State Government, do not have to pay for the litigation from their own pocket, they cannot be permitted to file such frivolous petitions and harass the landowners, who have already lost their valuable land.

6. The special leave petitions are, therefore, dismissed with cost quantified at Rs.5,00,000/- (Rupees Five Lakhs Only) to be paid within four weeks from the date of this order. The cost of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) shall be deposited in the Supreme Court Advocates-on-Record Association to be used for the purpose of Library and the cost of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) shall be deposited with the Supreme Court Bar Association Advocates Welfare Fund.

7. Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)