

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). 9036-9038/2016

(Arising out of impugned final judgment and order dated 30-11-2015 in WA No. 514/2006 30-11-2015 in WA No. 799/2006 30-11-2015 in WA No. 772/2006 passed by the High Court of M.P. at Indore)

INDORE DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

MANOHARLAL AND ORS. ETC.

Respondent(s)

(IA No. 120433/2017 - APPLICATION FOR SUBSTITUTION
IA No. 120434/2017 - CONDONATION OF DELAY IN FILING
IA No. 1/2016 - EXEMPTION FROM FILING O.T.
IA No. 49411/2019 - INTERVENTION APPLICATION
IA No. 48588/2019 - INTERVENTION APPLICATION
IA No. 122322/2019 - INTERVENTION APPLICATION
IA No. 66568/2019 - INTERVENTION APPLICATION
IA No. 65903/2019 - INTERVENTION APPLICATION
IA No. 53531/2019 - INTERVENTION APPLICATION
IA No. 53497/2019 - INTERVENTION APPLICATION
IA No. 49851/2019 - INTERVENTION APPLICATION
IA No. 159182/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 19532-19533/2017 (IV-A)
(IA No. 35464/2017 - I A FOR ADDL DOC AND O.T.)

SLP(C) No. 9798-9799/2016 (IV-A)
(FOR EXEMPTION FROM FILING O.T. ON IA 1/2016
FOR [PERMISSION TO FILE ANNEXURES] ON IA 3/2017
FOR INTERVENTION APPLICATION ON IA 30398/2018
FOR INTERVENTION APPLICATION ON IA 31441/2018
FOR INTERVENTION APPLICATION ON IA 34277/2018
FOR impleading party ON IA 36898/2018
FOR INTERVENTION/IMPLEADMENT ON IA 36898/2018
FOR INTERVENTION APPLICATION ON IA 48707/2018
FOR INTERVENTION APPLICATION ON IA 54951/2018
FOR impleading party ON IA 55173/2018
FOR INTERVENTION/IMPLEADMENT ON IA 55173/2018
FOR impleading party ON IA 64113/2018
FOR INTERVENTION/IMPLEADMENT ON IA 64113/2018
FOR INTERVENTION APPLICATION ON IA 67460/2018
FOR CLARIFICATION/DIRECTION ON IA 71640/2018
FOR EXEMPTION FROM FILING O.T. ON IA 71644/2018
FOR INTERVENTION APPLICATION ON IA 74344/2018

FOR INTERVENTION APPLICATION ON IA 87282/2018
FOR impleading party ON IA 88380/2018
FOR INTERVENTION/IMPLEADMENT ON IA 88380/2018
FOR impleading party ON IA 99668/2018
FOR INTERVENTION/IMPLEADMENT ON IA 99668/2018
FOR CLARIFICATION/DIRECTION ON IA 99670/2018
FOR INTERVENTION APPLICATION ON IA 112147/2018
FOR INTERVENTION APPLICATION ON IA 113032/2018
FOR INTERVENTION APPLICATION ON IA 113035/2018
FOR INTERVENTION APPLICATION ON IA 113665/2018
FOR INTERVENTION APPLICATION ON IA 113673/2018
FOR INTERVENTION APPLICATION ON IA 113677/2018
FOR INTERVENTION APPLICATION ON IA 114654/2018
FOR INTERVENTION APPLICATION ON IA 114657/2018
FOR INTERVENTION APPLICATION ON IA 114726/2018
FOR impleading party ON IA 121517/2018
FOR INTERVENTION/IMPLEADMENT ON IA 121517/2018
FOR INTERVENTION APPLICATION ON IA 135096/2018
FOR INTERVENTION APPLICATION ON IA 135361/2018
FOR impleading party ON IA 144281/2018
FOR INTERVENTION/IMPLEADMENT ON IA 144281/2018
FOR INTERVENTION APPLICATION ON IA 156601/2018
FOR INTERVENTION APPLICATION ON IA 160646/2018
FOR CLARIFICATION/DIRECTION ON IA 160647/2018
FOR INTERVENTION APPLICATION ON IA 24783/2019
FOR INTERVENTION APPLICATION ON IA 24790/2019
FOR INTERVENTION APPLICATION ON IA 49461/2019
FOR INTERVENTION APPLICATION ON IA 52895/2019
FOR impleading party ON IA 53181/2019
FOR INTERVENTION/IMPLEADMENT ON IA 53181/2019
FOR INTERVENTION APPLICATION ON IA 53197/2019
FOR INTERVENTION APPLICATION ON IA 53874/2019
FOR INTERVENTION APPLICATION ON IA 59004/2019
FOR INTERVENTION APPLICATION ON IA 84144/2019
FOR INTERVENTION APPLICATION ON IA 84146/2019
FOR INTERVENTION APPLICATION ON IA 85622/2019
FOR INTERVENTION APPLICATION ON IA 85623/2019
FOR STAY APPLICATION ON IA 117673/2019
IA No. 71640/2018 - CLARIFICATION/DIRECTION
IA No. 99670/2018 - CLARIFICATION/DIRECTION
IA No. 160647/2018 - CLARIFICATION/DIRECTION
IA No. 71644/2018 - EXEMPTION FROM FILING O.T.
IA No. 1/2016 - EXEMPTION FROM FILING O.T.
IA No. 34277/2018 - INTERVENTION APPLICATION
IA No. 113035/2018 - INTERVENTION APPLICATION
IA No. 135096/2018 - INTERVENTION APPLICATION
IA No. 49461/2019 - INTERVENTION APPLICATION
IA No. 85622/2019 - INTERVENTION APPLICATION
IA No. 31441/2018 - INTERVENTION APPLICATION
IA No. 113032/2018 - INTERVENTION APPLICATION
IA No. 24790/2019 - INTERVENTION APPLICATION
IA No. 84146/2019 - INTERVENTION APPLICATION
IA No. 30398/2018 - INTERVENTION APPLICATION

IA No. 67460/2018 - INTERVENTION APPLICATION
IA No. 112147/2018 - INTERVENTION APPLICATION
IA No. 114726/2018 - INTERVENTION APPLICATION
IA No. 24783/2019 - INTERVENTION APPLICATION
IA No. 84144/2019 - INTERVENTION APPLICATION
IA No. 114657/2018 - INTERVENTION APPLICATION
IA No. 59004/2019 - INTERVENTION APPLICATION
IA No. 114654/2018 - INTERVENTION APPLICATION
IA No. 160646/2018 - INTERVENTION APPLICATION
IA No. 53874/2019 - INTERVENTION APPLICATION
IA No. 54951/2018 - INTERVENTION APPLICATION
IA No. 113677/2018 - INTERVENTION APPLICATION
IA No. 156601/2018 - INTERVENTION APPLICATION
IA No. 53197/2019 - INTERVENTION APPLICATION
IA No. 48707/2018 - INTERVENTION APPLICATION
IA No. 87282/2018 - INTERVENTION APPLICATION
IA No. 113673/2018 - INTERVENTION APPLICATION
IA No. 74344/2018 - INTERVENTION APPLICATION
IA No. 113665/2018 - INTERVENTION APPLICATION
IA No. 135361/2018 - INTERVENTION APPLICATION
IA No. 52895/2019 - INTERVENTION APPLICATION
IA No. 85623/2019 - INTERVENTION APPLICATION
IA No. 121517/2018 - INTERVENTION/IMPLEADMENT
IA No. 64113/2018 - INTERVENTION/IMPLEADMENT
IA No. 55173/2018 - INTERVENTION/IMPLEADMENT
IA No. 99668/2018 - INTERVENTION/IMPLEADMENT
IA No. 88380/2018 - INTERVENTION/IMPLEADMENT
IA No. 144281/2018 - INTERVENTION/IMPLEADMENT
IA No. 53181/2019 - INTERVENTION/IMPLEADMENT
IA No. 36898/2018 - INTERVENTION/IMPLEADMENT
IA No. 3/2017 - PERMISSION TO FILE ANNEXURES
IA No. 117673/2019 - STAY APPLICATION)

SLP(C) No. 17088-17089/2016 (XI)

SLP(C) No. 37375/2016 (XIV)

SLP(C) No. 37372/2016 (XIV)

SLP(C) No. 16573-16605/2016 (III)

S.L.P.(C)...CC No. 15967/2016 (IX)
(IA No. 1/2016 - CONDONATION OF DELAY IN FILING)

C.A. No. 19356/2017 (XIV-A)

C.A. No. 19362/2017 (XIV-A)

C.A. No. 19361/2017 (XIV-A)

C.A. No. 19358/2017 (XIV-A)

C.A. No. 19357/2017 (XIV-A)

C.A. No. 19360/2017 (XIV-A)

**C.A. No. 19359/2017 (XIV-A)
(IA No. 124921/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 124918/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON)**

SLP(C) No. 34752-34753/2016 (III)

**SLP(C) No. 15890/2017 (III)
(FOR ADMISSION
IA No. 74801/2018 - I.A. U/A 142 OF THE CONST. OF INDIA)**

C.A. No. 19363/2017 (XIV-A)

**C.A. No. 19364/2017 (XIV-A)
(FOR ADMISSION and I.R. and IA No.63915/2017-CONDONATION OF DELAY
IN FILING and IA No.63918/2017-EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)**

**C.A. No. 19412/2017 (XIV-A)
(FOR ADMISSION and I.R. and IA No.63595/2017-CONDONATION OF DELAY
IN FILING)**

**MA 1423/2017 in C.A. No. 12247/2016 (XIV-A)
(IA No. 135210/2017 - CONDONATION OF DELAY IN FILING
IA No. 127846/2017 - RECALLING THE COURTS ORDER)**

**SLP(C) No. 33022/2017 (XII)
(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
128881/2017
IA No. 128881/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 128880/2017 - EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 33127/2017 (XII)
(FOR EXEMPTION FROM FILING O.T. ON IA 129734/2017
IA No. 129732/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 129734/2017 - EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 33114/2017 (XII)
(FOR EXEMPTION FROM FILING O.T. ON IA 129656/2017
IA No. 129655/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 129656/2017 - EXEMPTION FROM FILING O.T.)**

**MA 1787/2017 in C.A. No. 10210/2016 (XIV-A)
(IA No. 138061/2017 - CONDONATION OF DELAY IN FILING
IA No. 138028/2017 - RECALLING THE COURTS ORDER)**

MA 1786/2017 in C.A. No. 10207/2016 (XIV-A)

(IA No. 138001/2017 - CONDONATION OF DELAY IN FILING
IA No. 137987/2017 - RECALLING THE COURTS ORDER)

MA 45/2018 in C.A. No. 6239/2017 (XIV-A)
(IA No. 3825/2018 - RECALLING THE COURTS ORDER)

SLP(C) No. 16051/2019 (XII)
(FOR ADMISSION and I.R. and IA No.80041/2019-CONDONATION OF DELAY
IN FILING and IA No.80042/2019-CONDONATION OF DELAY IN REFILING)

Diary No(s). 23842/2018 (XIV)
(FOR ADMISSION and I.R. and IA No.100096/2018-CONDONATION OF DELAY
IN FILING and IA No.100095/2018-EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)

SLP(C) No. 30452/2018 (XIV)

Civil Appeal No(s). 4835/2015
SLP(C) No. 30577-30580/2015 (IV-B)

Date : 23-10-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

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M/s. S. Narain & Co., AOR

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

Hon'ble Mr. Justice Arun Mishra pronounced his order of the Bench comprising His Lordship, Hon'ble Ms. Justice Indira Banerjee, Hon'ble Mr. Justice Vineet Saran, Hon'ble Mr. Justice M.R. Shah and Hon'ble Mr. Justice S. Ravindra Bhat.

Operative part of the order is reproduced below:-

"41. Recusal is not to be forced by any litigant to choose a Bench. It is for the Judge to decide to recuse. The embarrassment of hearing the lengthy arguments for recusal should not be a

compelling reason to recuse. The law laid down in various decisions has compelled me not to recuse from the case and to perform the duty irrespective of the consequences, as nothing should come in the way of dispensation of justice or discharge of duty as a Judge and judicial decision-making. There is no room for prejudice or bias. Justice has to be pure, untainted, uninfluenced by any factor, and even decision for recusal cannot be influenced by outside forces. However, if I recuse, it will be a dereliction of duty, injustice to the system, and to other Judges who are or to adorn the Bench/es in the future. I have taken an informed decision after considering the nitty-gritty of the points at issue, and very importantly, my conscience. In my opinion, I would be committing a grave blunder by recusal in the circumstances, on the grounds prayed for, and posterity will not forgive me down the line for setting a bad precedent. It is only for the interest of the judiciary (which is supreme) and the system (which is *nulli secundus*) that has compelled me not to recuse."

Hon'ble Ms. Justice Indira Banerjee, Hon'ble Mr. Justice Vineet Saran, Hon'ble Mr. Justice M.R. Shah and Hon'ble Mr. Justice S. Ravindra Bhat gave their concurring order. Operative part of

the order is reproduced below:-

"6. For those and other reasons mentioned in the order of Mishra, J, we concur with his reasoning and conclusions that no legal principle or norm bars his participation in the present Bench which is to hear the reference; the precedents cited and the practice of the court, point to the contrary, i.e. that the judge who decided a previous cause, finally, can - and very often has- participated in the later, larger bench to which such previous decision is referred for reconsideration.

7. For the above reasons, and having regard to the reasons contained in Mishra, J's order, outlining the rejection of the request for his recusal, we are of the considered opinion that this Bench should proceed to hear and decide the reference made to it, on its merits."

After hearing the learned counsel for parties, in view of the consensus that we have to hear the matter, following questions are framed:-

1. What is the meaning of the expression 'paid'/'tender' in Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('Act of 2013') and section 31 of the Land Acquisition Act, 1894 ('Act of 1894')? Whether non-deposit of compensation in court under section 31(2) of the Act of 1894 results into a lapse of acquisition under

section 24(2) of the Act of 2013. What are the consequences of non-deposit in Court especially when compensation has been tendered and refused under section 31(1) of the Act of 1894 and section 24(2) of the Act of 2013? Whether such persons after refusal can take advantage of their wrong/conduct?

2. Whether the word 'or' should be read as conjunctive or disjunctive in Section 24(2) of the Act of 2013?

3. What is the true effect of the proviso, does it form part of sub-Section (2) or main Section 24 of the Act of 2013?

4. What is mode of taking possession under the Land Acquisition Act and true meaning of expression "the physical possession of the land has not been taken" occurring in Section 24(2) of the Act of 2013?

5. Whether the period covered by an interim order of a Court concerning land acquisition proceedings ought to be excluded for the purpose of applicability of Section 24(2) of the Act of 2013 ?

6. Whether Section 24 of the Act of 2013 revives barred and stale claims?

In addition, question of per incuriam and other incidental questions also to be gone into.

List on 06.11.2019 for further hearing.

(NARENDRA PRASAD)
COURT MASTER

(PRADEEP KUMAR)
COURT MASTER

(Two separate Signed "Reportable" orders are placed on the file)