

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

IA Nos. 3-4 in CIVIL APPEAL NO. 4843 OF 2007

DEVINDER SINGH & ORS. APPELLANTS

VERSUS

STATE OF PUNJAB & ORS. RESPONDENTS

AND

IA Nos. 2-3 in CIVIL APPEAL NO. 4844 OF 2007

SATWANT KAUR & ANR. APPELLANTS

VERSUS

STATE OF PUNJAB & ORS. RESPONDENTS

O R D E R

1. We have heard the learned counsel for the parties at length.

2. 241 kanals of land was acquired for the benefit of the applicant. As per the judgment of this Court dated 12th October 2007, the acquisition proceedings qua all save 35 kanals have been quashed. It is the case of the applicant that the judgment of this Court should be confined only to those who had made a challenge to the land acquisition and not to those who had not come to Court. This may be the position in law but in the facts of the case that only a miniscule piece of land

I.e. 35 kanals is now in the hands of the applicant, we feel that no clarification needs be given.

Mr. Dhruv Mehta, the learned Senior Advocate for the applicant has, however, pointed out that to add insult to injury the State Government while refunding a sum of Rs.2,57,75,073/- to the applicant had retained a sum of Rs.44,85,179/- on the ground that this amount represented the acquisition and departmental charges and approximately Rs.11,00,000/- towards super structure charges. We are of the opinion that the deduction of these amounts is totally unjustified for the reason that the State Government had issued a faulty notification for acquisition which has been quashed by this Court and the beneficiary applicant had no role to play in its issuance. We, therefore, feel that the amount of Rs.44,85,179/- and Rs.11,00,000/- should also be refunded to the applicant.

We, accordingly, dispose of the applications filed by the applicant in the above terms. No order as to costs.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

**NEW DELHI
JANUARY 11, 2011.**

