

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6000 OF 2009

The Market Committee Hodal
Through its Secretary ... APPELLANT(S)

VS.

Smt. Sukhdevi & Ors. ... RESPONDENT(S)

JUDGMENT

Anil R. Dave, J.

1. Heard learned counsel for the parties.
2. A short question involved in this appeal is with regard to the possession of Kill Nos.13/4 and 14/1 of Rectangle No.226 situated at Patti Tihav, Hodal.
3. A suit had been filed by the respondents for possession against the present appellant. The suit had been decreed and even the appeal filed has been dismissed. In these circumstances, the present appeal has been filed by the appellant.
4. Learned counsel appearing for the appellant has submitted that the land in question has already been acquired under Notifications under Section 4 and 6 of the Land Acquisition Act, 1894. Moreover, the possession of the land in question had already been

taken on 20th April, 1981 and compensation in respect of land in question had already been paid to the respondents. Relevant Notifications under Sections 4 and 6 have been placed on record.

5. In the aforesaid circumstances, in our opinion the suit for possession could not have been decreed, especially when the land had already been acquired.

6. For the aforesaid reason, the appeal is disposed of as allowed. The impugned judgement is set aside and suit is dismissed. No order as to costs.

.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
15th October, 2015.

JUDGMENT