

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL 4835 OF 2015**

IN THE MATTER OF :

STATE OF HARYANA & ORS.

.....

APPELLANTS

VERSUS

MAHARANA PRATAP CHARITABLE

TRUST REG.

.....

RESPONDENT

and connected matters

**SUGGESTED QUESTIONS OF LAW ON BEHALF OF
THE STATE OF HARYANA**

- 1.** What would be correct construction of Section 24 of the 2013 Act and the placement of proviso under Section 24(2)?
- 2.** Whether the law laid down in *Pune Municipal Corporation v. Harakchand and Ors.*, (2014) 3 SCC 183 and *Shree Balaji Nagar Residential Assn. vs. State of Tamil Nadu* [2015] 3 SCC 353 fails to take into account the legislative intent of consciously not giving very wide retrospectivity so as to avoid obvious practical difficulties in an on-going acquisition proceedings under 1894 Act at the time when the 2013 Act came in to force?
- 3.** What ought to be the meaning of the term “*has not been paid*” in Section 24(2)?
- 4.** Would the phrases “*has not been paid*” and “*deposited in the account of the beneficiaries*” in section 24(2) of the 2013 Act necessarily connote the meaning as envisaged under Section 31 of the 1894 Act?

5. What ought to be the meaning of the term “*deposited in the account of the beneficiaries*” in Section 24(2) proviso?

6. While hearing a reference made in *Yogesh Neema v. State of M.P.* [Reference Order dated 12.01.2016], the bench of three Hon'ble Judges in *Indore Development Authority v. Shailendra*, (2018) 3 SCC 412 has expressly overruled the judgment of two Hon'ble Judges in *Shree Balaji* [supra].

In absence of any coordinate bench doubting the conclusion of three Hon'ble Judges' bench in *Indore Development Authority* [supra] on the question of exclusion of period of stay while computing five years under section 24[2], is it permissible to re-agitate the said question before a Constitution Bench?

7. In the alternative and without prejudice to question number 6 above, while computing the period of “*five years*” occurring in section 24[2], should the period during which a stay / injunction order operated against any of the stages of proceedings in 1894 Act be not excluded?

8. Whether the meaning of the term “*physical possession*” being spelt out by the bench of three Hon'ble Judges in *Indore Development Authority* [supra] to be the meaning given by this Hon'ble Court in *Banda Development Authority v. Moti Lal Agarwal*, [2011] 5 SCC 394 and the said view having not been doubted by any bench of coordinated jurisdiction, is it permissible to re-agitate the same question afresh before a Constitution Bench?

9. In the alternative and without prejudice to Question 8, what will be the import and meaning of the term “*physical possession*” as used in section 24[2] of the 2013 Act?

10. Whether the decision in *Indore Development* [supra] has rightly declared the decision in *Pune Municipal* [supra] as per incuriam?

Settled by :
Shri Tushar Mehta

Drawn and filed by :

Solicitor General of India

B.K. Satija
Advocate for the Appellant

Filed on : 03.04.2019