**SYNOPSIS AND LIST OF DATES**

That the present Special Leave Petition is being filed by the Petitioners impugning the final order/ judgment dated \_\_\_\_\_\_ passed by the Division Bench of the Hon'ble High Chhattisgarh, Biliaspur in Writ Appeal No. \_\_\_\_\_ of \_\_\_\_\_, titled \_\_\_\_ & Ors V. \_\_ & Ors, whereby the Division Bench has reversed the detailed and landmark decision of the Single Judge which had held that land acquisition was a �colourable exercise of power'.

31.10.2001 Energy Policy of \_\_\_\_\_\_\_\_\_\_ Government was notified. Copy of Energy Policy Notified by \_\_\_\_\_\_\_ Government is annexed as Annexure P1 Page \_\_\_ to Page \_\_\_.

22.02.2007 R & R Policy 20\_\_ was published by the State Government.

04.09.2008 The Government of \_\_\_\_ and the \_\_\_\_\_\_\_\_\_\_ entered into a Memorandum of Understanding with M/S \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Limited for setting up of a 500 MW Thermal Power Project. Copy of MOU entered into between The Government of \_\_\_\_\_\_, The Chhattisgarh State Electricity Board and \_\_\_\_\_\_\_Limited is annexed as Annexure P2 Page \_\_\_ to Page \_\_\_.

15.05.20\_\_ The Hon'ble Division Bench of High Court of \_\_\_\_\_\_\_ passed common order against various civil appeals and allowed the Writ Appeals filed by the Respondents herein.

.09.20\_\_ Hence the present SLP

**IN THE SUPREME COURT OF INDIA**[SCR XXI RULE 3(1)(a)]
**CIVIL APPELLATE JURISDICTION**
(Under Article 136 of the Constitution of India)
**SPECIAL LEAVE PETITION (C) NO.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ OF 20\_\_**

(Arising out of the final judgment and order dated 15.05.20\_\_\_ passed by the Hon'ble High Court of \_\_\_\_\_\_ in Writ Appeal No. \_\_\_\_\_ of and Writ Appeal \_\_\_\_ of 2012)

**IN THE MATTER OF:**

In High Court            In Supreme Court

ABC                                                            Respondent            Petitioner No. 1

Versus

Government of \_\_\_                                    Petitioner No. 1        Respondent No. 1

TO,
THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION JUSTICES OF THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION ON BEHALF OF THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. The present Special Leave Petition has been filed under Article 136 of the Constitution of India against the judgment and final order dated 15.05.20\_\_ passed by the Division Bench of Hon'ble High Court of \_\_\_\_\_\_ in Writ Appeal No. \_\_\_ of \_\_\_\_ and \_\_\_\_\_ of \_\_\_\_ whereby the appeal filed by the contesting respondents herein against the judgment of the Ld. Single Judge were allowed.

**2. QUESTIONS OF LAW:**

A. Whether the land acquisition is for a Private Company or for a public purpose and whether the acquisition is malafide being in colourable exercise of power and fraud on the statute and in sheer abuse of power of eminent domain?

B. Whether land acquired by Private Company by violating Section 44B for any other purpose than the purpose mentioned in Section 40(1)(a) is valid?

**3. DECLARATION IN TERMS OF RULE 3(2):**

That no other Petition seeking leave to Appeal has been filed by the Petitioner against the final judgment and order dated 15.05.20\_\_ passed by the Ld. Division Bench of High Court of \_\_\_\_ in Writ Appeal No. \_\_ of \_\_ and \_\_ of \_\_.

**4. DECLARATION IN TERMS OF RULE 5:**

That the Annexures filed with the Present Petition are true copies of the pleadings/ documents forming part of the records before courts below.

**5. GROUNDS:**

That the present special leave to Appeal is being filed on the following, amongst other, grounds without prejudice to each other;

i. Because the Division Bench of the Hon'ble High Court failed to appreciate that the procedure for acquiring land for a public purpose cannot be adopted for acquiring land for a private company. The acquisition in the instant case was clearly an acquisition for a private company as was found by the Single Judge and the State had undertaken a colourable exercise of power by stating it to be an acquisition for a public purpose.

**6. GROUNDS FOR INTERIM RELIEF**

That the Petitioners have a good case on merits and that there are fair chances of success in the matter before this Hon'ble Court. The acquisition in the instant case was clearly an acquisition for a private company as was found by the Single Judge and the State had undertaken a colourable exercise of power by stating it to be an acquisition for a public purpose. If no stay is granted then that would cause serious prejudice to the petitioners. The petitioners are poor farmers and are in current occupation of the land.

**7. MAIN PRAYERS:**

In view of the facts and circumstances as mentioned above, it is most humbly prayed that this Hon'ble Court may graciously be pleased to;

i. Grant Special Leave to Appeal against the order passed by the Division Bench of the Hon'ble High \_\_\_\_\_\_\_\_\_\_\_ in Writ Appeal No. \_\_\_\_ of \_\_\_, titled State of \_\_\_\_ & Ors V. \_\_\_\_ & Ors and in Writ Appeal No. \_\_\_\_ of 2012, titled \_\_\_\_ & Ors V. \_\_\_\_ & Ors.

ii. Pass such other or any further order(s) as may be deemed fit and appropriate by this Hon'ble Court in the facts and circumstances of the present case.

**8. INTERIM PRAYER**

It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to:

a) stay the impugned judgment dated 15.05.20\_\_ passed by the passed by the Division Bench of the Hon'ble High \_\_\_\_\_\_ in Writ Appeal No. \_\_\_\_ of \_\_\_, titled State of \_\_\_\_ & Ors V. \_\_\_\_ & Ors and in Writ Appeal No. \_\_\_\_ of 2012, titled \_\_\_\_ & Ors V. \_\_\_\_ & Ors;

b) pass such other and further orders as this Hon'ble Court may deem fit and proper in the interests of justice.

FILED BY:

Advocate for the petitioner

Drawn By:
Drawn on:
Filed on:
New Delhi