Supreme Court’s Power to Overrule Itself

What is the issue?

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- Three land acquisition cases have brought a constitutional question involving the powers of a SC bench to overturn previous verdicts.
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- The core contention involves whether a 3 member bench of the Supreme Court can overrule another 3 member bench’s order.
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What was the Pune Municipal Corporation (PMC) case?

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- “PMC & Ars vs Harakchand Solanki case” was related to proceedings for acquisition of 43.94 acres for the development of a “Forest Garden”.
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- The landowners challenged the acquisition proceedings before the Bombay High Court, which ruled in their favour.
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- Subsequently, a 3 member bench of the Supreme Court upheld the High court order, in **January 2014**.
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- This was with reference to the “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013”.
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What was Indore Development Authority Case?

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- **High Court ruling -** Indore Development Authority (IDA), wanted to acquire land for the construction of a link road on the outskirts of Indore city.

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- While IDA had deposited the compensation with the Land Acquisition Collector, the landowners simply refused to take it and approached the HC.
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- Madhya Pradesh High Court ruled that the claimants had **not received** compensation and the acquisition has hence lapsed.
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- This ruling was with the citation of the 2014 SC judgement in the PMC case.

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- **The Appeal –** Indore Development Authority (IDA) proceeded with an appeal against the Madhya Pradesh HC order to the Supreme Court.
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- This time, a 3 member bench, overturned the High Court order and unanimously ruled in favour of IDA's claim.
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- The Bench observed that once the amount of compensation had been unconditionally tendered, it would imply that payment has been made.
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- Hence, claimants/landowners who've refused compensation can't approach the court with the view that they've not been compensated.
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- Further, it stated that the previous SC decision in the 2014 PMC case was not correct and that it could be reviewed in future through appropriate cases.
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What was the Haryana Land Acquisition case?

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- Haryana had acquired land belonging to G.D.Goenka Tourism Corporation Ltd and others in 2003.
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- A case is this is regard was filed in the Punjab and Haryana High Court in 2016, by those whose land had been acquired.
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- The High Court found that compensation was never paid to the parties, and held that the land acquisition proceedings were deemed to have lapsed.
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- Haryana government appealed against this ruling in the Supreme Court, which can to be heard recently (Feb 21st 2018).
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- **The problem -** The Bench that is hearing the Haryana government's appeal, was informed of the Feb 8th IDA Case ruling.
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- This left the bench wondering on how a three-judge Bench could overturn the 2014 decision, which too, had been delivered by a three-judge Bench.
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- The bench has hence requested all HCs and other SC benches to defer their proceeding in cases that will be impacted by the Feb 8th order.
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- This has virtually stayed the operation of the February 8 order until a decision on whether to refer this issue to a larger bench is taken.
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- The current position is that any subsequent SC bench can overrule a previous SC bench order only when the number of judges in the latter is more.
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Source: Indian Express

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