

ITEM NO.28

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9730/2011

(From the judgement and order dated 19/11/2010 in  
of The HIGH COURT OF DELHI AT N. DELHI)

LAA No. 994/2010

UNION OF INDIA TR.LAC(WEST)

Petitioner(s)

VERSUS

SACHIN GARG &amp; ANR

Respondent(s)

(With prayer for interim relief and office report)  
WITH SLP(C) NO. 9880 of 2011  
(With prayer for interim relief and office report)

Date: 18/04/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Ms. Rachana Srivastava, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

The delay of 14 days in refiling Special Leave Petition  
(C) No.9730 of 2011 and the delay of 17 days in refiling Special  
Leave Petition (C) No.9880 of 2011 is condoned.

These petitions are directed against the order of the  
learned Single Judge of the Delhi High Court, who refused to  
condone 186 days' delay in filing of the appeals by the petitioner  
under Section 54 of the Land Acquisition Act, 1894 (for short, 'the  
Act') against the enhancement of compensation by Additional  
District Judge-05, West District, Tis Hazari, Delhi (hereinafter  
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described as, "the Reference Court") from Rs.15,70,000/- to  
Rs.15,92,215.71 per acre.

The Government of NCT of Delhi acquired 139 bighas 14 biswas  
of land situated at village Mundka for the purpose of construction  
of 100 meter road under Planned Development of Delhi. The  
notification under Section 4 was issued on 21.03.2003. The Land

Acquisition Collector passed award dated 26.08.2005 whereby h  
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fixed market value of the acquired land at Rs.15,70,000/- per acre.

On a reference made under Section 18 of the Act, the Reference

Court, after analysing the evidence produced by the parties,

enhanced the compensation by a small amount of Rs.22,215.71 per

acre, which is equivalent to Rs.4,628.27 per bigha.

The petitioner challenged the award of the Reference Court by

filing appeals along with the applications for condonation of the

delay of 186 days. The learned Single Judge declined th  
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petitioner's prayer for condonation of delay by observing that the

explanation given by it is not at all satisfactory and accordingly

dismissed the appeals as barred by time.

We have heard Ms.Rachana Srivastava, learned counsel for the

petitioner, who made efforts to convince us to entertain th  
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special leave petitions by stating that large number of appeals

filed against the award of the Reference Court have already been

admitted by the Delhi High Court for consideration on merits. Sh

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further stated that seven special leave petitions filed against the

orders passed by the learned Single Judge dismissing th  
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applications for condonation of delay and the appeals as barred by

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time have been entertained by this Court.

We have considered the submission of the learned counsel but

have not felt persuaded to agree with her.

In our view, the

reasons assigned by the learned Single Judge for declining the

petitioner's prayer for condonation of delay are legally correct

and there is no valid ground much less justification for this

Court's interference with the discretion exercised by the High

Court not to condone the delay.

Even on merits, we are convinced that the enhancement granted

by the Reference Court in the amount of compensation is too meagre

to warrant interference by the High Court under Section 54 of the

Act. The total enhanced compensation for 139 bighas and 14 biswas

land is Rs. 6,42,192/-. By no stretch of imagination, this amount can be said to be excessive because the acquired land is in the vicinity of the residential colonies of Delhi.

The special leave petitions are accordingly dismissed.

The Registry is directed to list all the special leave petitions before the Court in the next week.

A copy of this order be sent to the Registrar General, Delhi High Court who shall place the same before Hon'ble the Chief Justice of the High Court so that he may direct listing of all the appeals before the concerned Bench.

( Satish K.Yadav )  
Court Master

( Phoolan Wati Arora )  
Court Master