

ITEM NO.12

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil)...../2011
CC 8456/2011

(From the judgement and order dated 07/12/2000 in
of The HIGH COURT OF DELHI AT N. DELHI)

RFA No. 122/1997

UNION OF INDIA

Petitioner(s)

VERSUS

RAM KISHAN

Respondent(s)

IA 1 (C/delay in filing SLP and office report)

Date: 13/05/2011 This Petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. P.P. Malhotra, A.S.G.
 Mr. Shailendra Sharma, Adv.

For Respondent(s) Mr. Pallav Shishodia, Sr. Adv.
 Mr. Pawan Shukla, Adv.

UPON hearing counsel the Court made the following

O R D E R

This petition is directed against judgment dated 7.12.2000 by which the Division Bench of the Delhi High Court allowed the appeal filed by the respondent and fixed market value of the acquired land at Rs.345/- per sq.yd.

The petitioner has also filed an application for condonation of 3662 days' delay in filing the special leave petition. In paragraph 4 of the application, the petitioner has given the following explanation for delay of almost ten years' delay:

"4. That the reasons for delay occurred in

2

filing Special Leave Petition are as under:

- i) That the impugned judgment was passed by the Hon'ble High Court on 7.12.2000.
- ii) That on 27.1.2001 certified copy of Hon'ble High Court was receive.
- iii) That on 24.4.2001 processing of file for DLA opinion initiated.
- iv) That on 29.5.2001 opinion of DLA received.
- v) That on 12.7.2001 File/letter sent by LAC (East)for drafting SLP to Govt. Counsel.
- vi) That on 13.7.2001 letter/file received by the PA (Mrs.Dhingra) of Govt. Counsel (Sh.D.S.Mahara).

vii) That on 16.8.2001 litigation Clerk directed to obtain draft SLP for further process.

viii) That on 23.7.2009 fresh execution No.31/08 (LAC No.19/94) received from Sh. Gulshan Kumar, Hon'ble ADJ, Karkardooma Court received.

ix) That on 19.8.2009 letter written to Addl. Govt. to provide status of SLP filed in RFA No.122/97. The same was done after enquiry from Hon'ble ADJ.

x) That on 21.8.2009 reply of Additional Govt. Advocate received to the said case stating no record of proposed SLP available and the same was also checked by them through National Informatics Centre, Courts Information Division, no details

3

pertaining to this proposed SLP was found.

xi) That on 14.9.2009 letter to Addl. Government Counsel was written for providing status of SLP in other 17 cases to be provided by Addl. Govt. Advocate.

xii) That on 2010 objection filed in the Hon'ble Court of Sh. S.K. Gupta, ADJ, Karkardooma Court for dismissing the said Execution in the Court of ADJ itself.

xiii) That on Amended objection filed in the Hon'ble Court of Sh. S.K. Gupta, ADJ, Karakardooma Court.

xiv) That on 15.4.2011 letter sent to Addl. Government for filing of SLP in the said case.

xv) That on 2.5.2011 the file marked to panel advocate for drafting of application for condonation of delay.

xvi) That on 2.5.2011 the panel advocate submitted the draft of Application for condonation of delay to the Central Agency Section."

In our view, the petitioner has failed to make out case for condonation of delay because nothing has been said about the time gap of almost eight years between the obtaining of draft special leave petition in August, 2001 and further processing of the matter till 2009.

Even on merits, we are satisfied that the High Court did not commit any error by fixing the market value of the acquired land at the rate of Rs.345/- per

4

sq.yd. The respondent's land was acquired vide Notification dated 17.11.1980 issued under section 4 of the Land Acquisition Act, 1894, which was followed by declaration dated 29.9.1981 issued under section 6 of the Act. The Land Acquisition Officer passed award dated 31.3.1982 and fixed market value of the acquired land at Rs.8,500/- per bigha. On a reference made under section 18 of the Act, the Reference Court vide its

order dated 24.12.1996 determined market value of the acquired land at the rate of Rs.76,550/- per bigha. High Court, after due consideration of the material placed before it and the judgment of a co-ordinate Bench in "Anil Kumar Sharma and others versus Union of India" [(2000) 6 D.L.T. 825], fixed market value of the acquired land at Rs.345/- per sq.yd.

In our view, the reasons assigned by the High Court for revising market value of the acquired land are legally correct and the impugned judgment does not call for interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed on the ground of delay and also on merits.

The petitioner is directed to pay the balance amount, if any, to the respondent within a period of two months from today and submit a report this effect in the Registry of this Court.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master