

ITEM NO.20

COURT NO.11

SECTION XI

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)...../2010  
CC 11597/2010

(From the judgement and order dated 10/09/2009 in  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

FA No. 560/2009

M.D., U.P.S.I.D.C. LTD.

Petitioner(s)

VERSUS

ABDUL RAHMAN(D) BY LRS.&amp; ANR

Respondent(s)

IA NO.1(c/delay in filing SLP)

WITH

S.L.P.(C)...CC NO. 11738 of 2010

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

S.L.P.(C)...CC NO. 11816 of 2010

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

Date: 09/08/2010                      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)

Mr. P.N. Gupta, Adv.

For Respondent(s)

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

These petitions are directed against judgment dated  
10.9.2009 of the learned Single Judge of Allahabad High Court,  
who declined to interfere with the order passed by VIth  
Additional District Judge, Ghaziabad - Reference Court whereby

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direction was issued for payment of enhanced compensation to the  
respondents along with consequential benefits.

The petitioner has also filed applications for condonation  
of 213 and 220 days delay in filing the special leave petitions.

We have heard Shri P.N. Gupta, learned counsel for the  
petitioner at some length and carefully perused the record  
including the averments contained in the applications for  
condonation of delay.

In our view, the petitioner has miserably failed to show  
sufficient cause for exercise of power by this Court under

Section 5 of the Limitation Act and the applications for condonation of delay are liable to be dismissed as such. The assertion contained in the application for condonation of delay that the matter was examined at various levels of the Government are too vague to be accepted for condoning delay, which in the facts and circumstances of the case has to be treated as unreasonable.

Even on merits, we are convinced that fixation of market value of the acquired land by the Reference Court does not suffer from any legal infirmity warranting interference by this Court.

In support of their prayer for increasing the market value

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of the acquired land, the respondents had produced oral as well as documentary evidence which included three orders passed by the coordinate Reference Courts and certified copies of four sale deeds. The petitioner examined two witnesses and produced five documents including certified copy of sale deed dated 25.1.1998. After considering the evidence produced by the parties and hearing the arguments of their counsel, the Reference Court recorded its conclusion in the following words:

"In view of above ruling, it has been contended by the learned counsels for petitioners that my learned predecessor in the aforesaid judgments has determined compensation at the rate of Rs.28/- per sq. yd. for the lands of Villages Rawali and Sheikhpur Khichra, whereas in the instant case it is an admitted position that sale deed at the rate of Rs.30/- per sq. yd. is available in the instant case. Therefore, in these circumstances, petitioners in the instant case must be given compensation at the rate of Rs.31/- per sq. yd at least. I have perused the file. In my opinion, there is full force in the aforesaid contention of the learned counsels for petitioners. On the other hand, learned counsel for Respondents, Shri V.K. Mittal, has strongly opposed the aforesaid contention of petitioners and has argued that in both the aforesaid judgments compensation has been determined at the rate of Rs.28/- per sq. yd. for Villages Rawali and Sheikhpura Khichra, therefore, petitioners cannot be awarded compensation more than that which has already been awarded in the aforesaid judgments. I have considered the arguments advanced by the learned counsels for parties. In the opinion of the court, since a sale deed for the lands of Village Dehra at the rate of Rs.30/- per sq. yd. is already available on records, therefore, it will be

fair and just that petitioners of the instant case be awarded compensation at the rate of Rs.29/-.

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Therefore, this Court comes to conclusion that petitioners are entitled to compensation at the rate of Rs.29/- per sq. yd. Issue no.1 is decided accordingly."

In our view, the reasons recorded by the Reference Court for fixing the market value of the acquired land are founded on correct appreciation of the pleadings and evidence and the High Court rightly declined to interfere with the same.

In the result, the special leave petitions are dismissed as barred by time and also on merits.

For filing special leave petitions in such matters, which has necessarily resulted in delay in payment of compensation to the respondents, the petitioner is directed to pay cost of Rs.5,000/- to each of the respondents.

With a view to obviate any further delay in payment of compensation to the respondents in accordance with the order of the Reference Court, we direct the concerned officers of the petitioner-Corporation to pay the amount of compensation and other consequential benefits to each of the land owner and/or his/her family within a period of two months along with cost of Rs.5,000/- and submit a report to this Court by the end of November, 2010.

The Registry is directed to list the matters before the Court along with the report to be submitted by Managing

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Director, U.P. State Industrial Development Corporation Ltd.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master