

ITEM NO.29

COURT NO.11

SECTION IVB

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 (C) No(s). 28503/2008

(Arising out of impugned final judgment and order dated 20/05/2008 in CWP No. 14491/2007 passed by the High Court of Punjab & Haryana At Chandigarh)

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

TARLOK SINGH & ORS.

Respondent(s)

(with appln. (s) for clarification/modification of court's order and office report)

Date : 10/11/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. L.N. Rao, ASG
Mr. K. Radhakrishnan, Sr.Adv.
Ms. Rekha Pandey, Adv.
Mr. Shreekant N. Terdal, Adv.

For Respondent(s) Mr. Dinesh Verma, Adv.
Mr. Rajat Sharma, Adv.
Mr. Subhasish Bhowmick, Adv.

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

Heard learned counsel for the parties and perused the orders dated 08.04.2013 and 25.11.2013. It will be necessary to extract the relevant portion of this Court's order dated 25.11.2013, which reads as under:

"Issue notice to the respondents in the special leave petition to show cause as to why order dated 8.4.2013 may not be recalled in view of

the fact that the land in dispute had been acquired by the Government of Punjab vide notification dated 21.10.2010 issued under Section 4 of the Land Acquisition Act, 1894 and in furtherance of the award passed by the Land Acquisition Officer the respondents had received compensation amounting to Rs.2,66,836/-, returnable in ten weeks. Dasti, in addition, is permitted"

Mr. Kuldeep Saini, DIG (PERS) at Headquarters, Director General, Border Security Force, CGO Complex, Lodhi Road, New Delhi filed affidavit on 07.11.2014, after serving a copy of the same upon the respondent. Paragraph 4 of the affidavit reads thus:

"It is hereby submitted that Union of India, apart from payment of Rs.2,66,836/- paid towards acquisition cost, Union of India paid respondents another sum of Rs.4,58,200/- as compensation/rental for use of the land from 02.11.1989 to 01.11.2008 @ 12000/- p.a. along with 9% interest including quantified cost Rs.25,000/- as awarded by the Hon'ble High Court vide its order dated 20.05.2008 in W.P.(Civil) No. 14491/2007"

The aforesaid averments are not controverted. On the other hand, the learned counsel for the respondents, to our query, made submission that the land-owners have received less compensation. Having regard to the averments made at Para 4 by the DIG (PERS) at Headquarters, Director General, Border Security Force, it has been specifically stated by the learned counsel for the respondents that the market value of the compensation determined in award and also the rental value for the use of the land from 02.11.1989 till the date of delivery of possession at the rate of Rs.12,000/- per annum along with interest @ 9% per annum including costs

quantified at Rs.25,000/-, awarded by the High Court in the Writ Petition No. C.W.P. No.14491 of 2007 vide order dated 20.05.2008, the order dated 08.04.2013 of this Court is required to be recalled, which we order. Accordingly, the application for clarification/modification of order dated 08.04.2013 is allowed.

(VINOD KUMAR)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER