

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) No(s).1783/2009

(From the judgement and order dated 24/06/2008 in RA No.1404/2007  
in FA No.57/2006 of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

U.P.AVAS EVAM VAKAS PARISHAD

Petitioner(s)

VERSUS

GURU CHARAN SINGH & ANR.

Respondent(s)

(With appln(s) for enhancing the value of compensation and vacation  
of ex-parte stay and with prayer for interim relief and office  
report)

(For final disposal)

WITH SLP(C) NO. 1784 of 2009

(With appln(s) for enhancing the value of compensation and vacation  
of ex-parte stay and office report)

Date: 09/12/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Vishwajit Singh,Adv.

For Respondent(s) Dr. Nafis A. Siddiqui,Adv.

For RR No.3 Mr.Rahul Verma, Adv.  
Ms. Rachana Srivastava, A.O.R.(Not Present)

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

These petitions are directed against order dated

24.06.2008 passed by the learned Single Judge of the Uttarakhand  
High Court, whereby he declined to entertain the applications filed  
by the petitioner for review of judgment dated 13.06.2007 passed in  
the appeals filed by the petitioner under Section 54 of the Land

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Acquisition Act, 1894 (for short, 'the 1894 Act').

The petitioner acquired the respondents' land by invoking  
Sections 28 and 32 of the U.P. Avam Vikas Parishad Adhiniyam,  
1985. The Special Land Acquisition Officer passed award dated  
11.9.1986 and fixed market value of the acquired land by dividing  
the same into two categories. In respect of the first category,  
market value was fixed at the rate of Rs.13,986.01 per bigha and

for the second category, market value was fixed at the rate of Rs.2,876.71 per bigha.

On a reference made under Section 18 of the 1894 Act, Additional District Judge, Nainital (hereinafter described as 'the Reference Court') vide his judgment dated 12.4.2006 determined the compensation for the acquired land up to the distance of 100 meters from the main road at the rate of Rs.30,000/- per bigha and for the land beyond 100 meters at the rate of Rs.20,000/- per bigha.

The petitioner challenged the judgment of the Reference Court by filing appeals under Section 54 of the 1894 Act, which were disposed of by the learned Single Judge of the Uttarakhand High Court by reducing the rate of solatium from 33% to 30%.

The petitioner did not challenge the judgment of the learned Single Judge by filing petitions under Article 136 of the Constitution. Instead, it filed petitions under Order 47 Rule 1 CPC. The learned Single Judge dismissed the review applications by observing that the judgments passed in the appeals filed by the petitioner do not suffer from any error apparent on the face of the record.

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We have heard learned counsel for the parties and carefully perused the record.

In our view, the special leave petitions are liable to be dismissed solely on the ground that the petitioner has not challenged the judgments by which the High Court dismissed the appeals filed under Section 54 of the 1894 Act.

We are further of the view that the learned Single Judge rightly held that in the garb of seeking review of the judgments rendered in the appeals filed under Section 54 of the 1894 Act, the petitioner cannot be allowed to reargue the appeals on merits.

The special leave petitions are accordingly dismissed.

The interim order stand automatically vacated. The petitioner is directed to pay the balance amount of compensation with interest to the respondents within a period of two months from today by getting prepared demand draft in their names.

(Satisb K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master