

Union Of India vs Sh Krishan Singh & Ors on 21 January, 2019

Author: Anu Malhotra

Bench: Anu Malhotra

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ LA.APP. 3/2018 & CM APPL. 2909/2019, CM APPL. 2929/2019

UNION OF INDIA Appellant
Through: Mr. Siddarth Panda, Adv.

versus

SH KRISHAN SINGH & ORS Respondent
Through: Mr. SK Rout, Adv.
Mr. Tushar Sannu, Adv. SDMC.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% 21.01.2019 Exemption allowed subject to all just exceptions LA.APP. 3/2018 & CM APPL. 2909/2019 The appeal has been admitted vide order dated 11.07.2018 and is in the category of 'Regulars' along with LA. APP. 206/2017 and LA.APP. 208/2017. The matter is taken up on CM APPL. 2909/2019, an application filed on behalf of the respondent nos.1 to 5 seeking modification of the order dated 11.07.2018 in as much as vide order dated 11.07.2018, the amounts deposited by the appellant with interest accrued thereon were directed to be released to the respondent nos.1 to 5 on the respondents submitting the requisite security to the satisfaction of worthy Registrar General for refund thereof along with interest as awarded in the event of the appeal being allowed with it having been submitted through the application under consideration to which there is no opposition on behalf of the appellant that as per statement under Section 19 of the LA Act, 1894 forwarded by the Reference Court, the respondent no.2, 3 and 4 are the only persons who have received compensation before the ADM and it has been submitted vide para-4 to the effect:

"That further the Ld. ADJ in the judgment under appeal has also categorically observed in para-3 of the judgment that "As per statement under Section 19 of the Act filed on behalf of Union of India, Shri Kartar Singh, Shri Ram Kumar and Shri Katar Singh, all sons of Shri Sardar were the bhumidhars in respect of land falling in Khasra No.243 min (0-2-0) having 1/3rd share each. The possession of land was taken on 18.10.2011."

and that it is thus sought that the amount of compensation deposited by the appellant be allowed to

be released to the respondent nos.2 to 4 instead of the respondent nos. 1 to 5.

Along with the application are the affidavits of the respondent nos.1 and 5 submitting their non-opposition to the prayer made through the application and the said respondents are also represented by the learned counsel for the respondent nos.1 and 5.

In view of the observations in the judgment dated 13.04.2017 of the Court of the ADJ-04, South-West in LAC No.54/2016 in para-3 thereof, the prayer made by the present petitioner is allowed and the order dated 11.07.2018 is thus modified to the effect that the amounts deposited by the appellant along with interest accrued thereon be allowed to be released to the respondent nos.2 to 4 in place of respondent nos.1 to 5 as directed thereby subject to the conditions as imposed vide order dated 11.07.2018.

The application CM APPL.2909/2019 is disposed of.

ANU MALHOTRA, J JANUARY 21, 2019/vm