

Ram Chander & Ors vs Uoi on 28 July, 2022

Author: Rajnish Bhatnagar

Bench: Rajnish Bhatnagar

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IN THE HIGH COURT OF DELHI AT NEW DELHI
RFA 416/1986
RAM CHANDER & ORS.

Through: Mr. Rajesh Yadav, Sr
Mr. Inder Singh, Adv

versus

UOI

Through: Mr. Sanjay Kumar Pat
Kumar Jha, Mr. M. S.
Rini Violet Tigga, A

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR
ORDER

% 28.07.2022 This matter is taken up on an office note. I have perused the office note. The relevant extract of the office note reads as follows:-

"PUC is a SLP Order dated 20.04.22(placed at page no. 109-122 in Part 'A') received from AOJ, Civil -V Branch vide diary No. 9729-x/SLP, on 28.4.22 passed in Review Petition 309/08 in RFA 416/1986 and CM application No. 23091/17 in Review Petition 309/2008 in RFA 416/1986 and CA No. 2928/22 in Review Petition 310/2008 in RFA 453/1986, wherein the Hon'ble Supreme Court has quashed and set aside the Order dated 12.5.17 passed in Review petitions No. 309/2008 in RFA 416/86 and Order dated 7.7.17 in CMA No. 23091/17 passed in R.P. 309/08 in RFA 416/86 and impugned Judgment and Order in R.P. 310/08 in RFA 453/1986 allowing Review Petitions and recalling judgment and Order dated 19.10.2001 passed in RFA No. 416/86 & 453/86 are quashed and set aside. The relevant portion of the Hon'ble Supreme Court Order is reproduced for kind perusal:-

xxxx..... "In view of the above and for the reasons stated above, all these appeals are allowed. Impugned judgment and Order dated 12.5.2017 in R.P. No. 309/2008 in RFA 416/1986 and Order dated 07.07.2017 in CMA NO. 23091/2017 in R.P. 309/2008 in RFA 416/1986 and impugned judgment and order in R.P. 310/2008 in RFA 453/1986, allowing review petition and recalling judgment and Order dated 19.10.2001 in RFA Nos. 416/1986 and 453/1986, are hereby quashed and set aside. Consequently, common judgment and Order passed by the High Court

dated 19.10.2001 in RFA Nos. 416/1986 and 453/1986, are ordered to be restored..... XXXX.

"Vide Order dated 15.3.2019, RFA 416/1986 & 453/1986 adjourned sine die. RFA 416/86 & 453/86 were allowed vide Common Order and judgment dated 19.10.2001. Thereafter R. P. 309/08 filed in RFA 416/86 and R. P. 310/08 filed in RFA 453/1986 which were listed on subsequent dates and finally allowed vide Order dated 12.5.17(Flag B). Thereafter, an application being CMA No. 23091/17 was filed for recalling of Order dated 12.5.2017 in Review Petition 309/08 which was also dismissed by the Hon'ble Court on 07.07.2017 (Flag C)."

The relevant portion of the judgement dated 19.10.2001 passed by this Court reads as follows:-

"In view of the above, the appeals are allowed with proportionate costs holding the claimants entitled to compensation at the rate of Rs. 2240/-per sq. yard. Over and above the amount of compensation, the appellants will be paid solatium at the rate of 30% and interest at the rate of 9% p.a. for a period of one year from the date of Collector taking possession thereafter at the rate of 15% p.a. till date of payment. Interest will also be paid to the claimants/appellants on solatium in view of the decision of Supreme Court in Civil Appeal No.6271/98 (Sunder Vs.Union of India) and other connected appeals decided on 19.9.2001."

The Hon'ble Supreme Court vide judgement dated 20.04.2022 has upheld the judgement dated 19.10.2001 passed by this Court. The relevant para of the judgement dated 20.04.2022 passed by the Hon'ble Supreme Court reads as under:-

In view of the above and for the reasons stated above, all these appeals are allowed. Impugned judgment and order dated 12.05.2017 in R.P. No. 309/2008 in RFA No. 416/1986 and the order dated 07.07.2017 in CMA No. 23091/2017 in R.P. No. 309/2008 in RFA No. 416/1986 and impugned judgment and order in R.P. No. 310/2008 in RFA No. 453/1986, allowing review petition and recalling judgment and order dated 19.10.2001 in RFA Nos. 416/1986 and 453/1986, are hereby quashed and set aside.

Consequently, common judgment and order passed by the High Court dated 19.10.2001 in RFA Nos. 416/1986 and 453/1986, are ordered to be restored. Now the original claimants shall have to be paid the compensation determined pursuant to the judgment and order dated 19.10.2001 passed in RFA Nos. 416/1986 and 453/1986 along with all other statutory benefits which may be available under the Land Acquisition Act, 1894 to be paid within a period of Twelve weeks from today. Present appeals are accordingly allowed. In the facts of the case, there shall be no order as to costs."

In view of the above observations made by the Hon'ble Supreme Court, the office note stands disposed of.

RAJNISH BHATNAGAR, J JULY 28, 2022/p