

Adil Singh vs Union Of India & Ors on 6 August, 2021

Author: Rajiv Sahai Endlaw

Bench: Rajiv Sahai Endlaw

\$~1 to 10 (Single Bench)

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ LA.APP.No.612/2008

ADIL SINGH

..... Appellant

Through: Mr.Ravinder Sethi, Sr.Adv. with
Mr.Ajoy Bhushan Kalia, Adv.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Sanjay Kumar Pathak, Mrs. K.
Kaomudi Kiran Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar,
Advs. for UOI/LAC.

Mr.Ankur Gupta, Adv. for DMRC.

AND

+ LA.APP.No.749/2008

TRIPAT KAUR

..... Appellant

Through: Mr.Ravinder Sethi, Sr.Adv. with
Mr.Ajoy Bhushan Kalia, Adv.

Versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Sanjay Kumar Pathak, Mrs. K.
Kaomudi Kiran Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar,
Advs. for UOI/LAC.

Mr.Ankur Gupta, Adv. for DMRC.

AND

+ LA.APP.No.812/2008

DELHI METRO RAIL CORPORATION LTD. Appellant

Through: Mr.Ankur Gupta, Adv.

Versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Sanjay Kumar Pathak, Mrs. K.
Kaomudi Kiran Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar,
Advs. for UOI/LAC.

Mr.Ravinder Sethi, Sr.Adv. with

Mr.Ajoy Bhushan Kalia, Adv. for R-2.

LA.APP.No.612/2008 & connected matters

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AND

+ LA.APP.No.821/2008

HARIPAL SINGH GILL

..... Appellant

Through: Mr.Ravinder Sethi, Sr.Adv. with
Mr.Ajoy Bhushan Kalia, Adv.

Versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Sanjay Kumar Pathak, Mrs. K.
Kaomudi Kiran Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar,
Advs. for UOI/LAC.
Mr.Ankur Gupta, Adv. for DMRC.
AND

+ LA.APP.No.822/2008
DILSHER SINGH & ORS. Appellants
Through: Mr.Ravinder Sethi, Sr.Adv. with
Mr.Ajoy Bhushan Kalia, Adv.
Versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Sanjay Kumar Pathak, Mrs. K.
Kaomudi Kiran Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar,
Advs. for UOI/LAC.
Mr.Ankur Gupta, Adv. for DMRC.
AND

+ LA.APP.No.912/2008
DELHI METRO RAIL CORPORATION LTD. Appellant
Through: Mr.Ankur Gupta, Adv.
Versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Sanjay Kumar Pathak, Mrs. K.
Kaomudi Kiran Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar,
Advs. for UOI/LAC.
Mr.Ravinder Sethi, Sr.Adv. with
Mr.Ajoy Bhushan Kalia, Adv. for R-2.

LA.APP.No.612/2008 & connected matters Page 2 of 5
AND

+ LA.APP.No.919/2008
DELHI METRO RAIL CORPORATION LTD. Appellant
Through: Mr.Ankur Gupta, Adv.
versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Sanjay Kumar Pathak, Mrs. K.
Kaomudi Kiran Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar,
Advs. for UOI/LAC.
Mr.Ravinder Sethi, Sr.Adv. with
Mr.Ajoy Bhushan Kalia, Adv. for R-2.
AND

+ LA.APP.No.920/2008
ALOK SINGH & ANR. Appellants
Through: Mr.Ravinder Sethi, Sr.Adv. with
Mr.Ajoy Bhushan Kalia, Adv.
Versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Sanjay Kumar Pathak, Mrs. K.

Kaomudi Kiran Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar,
Adv. for UOI/LAC.
Mr. Ankur Gupta, Adv. for DMRC.
AND

+ LA.APP.No.921/2008
DELHI METRO RAIL CORPORATION LTD. Appellant
Through: Mr. Ankur Gupta, Adv.
Versus
UNION OF INDIA & ANR. Respondents
Through: Mr. Sanjay Kumar Pathak, Mrs. K.
Kaomudi Kiran Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar,
Adv. for UOI/LAC.
Mr. Ravinder Sethi, Sr. Adv. with
Mr. Ajoy Bhushan Kalia, Adv. for R-2.

AND

LA.APP.No.612/2008 & connected matters

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+ LA.APP.No.1082/2008
DELHI METRO RAIL CORPORATION LTD. Appellant
Through: Mr. Ankur Gupta, Adv.
Versus
UNION OF INDIA & ORS. Respondents
Through: Mr. Sanjay Kumar Pathak, Mrs. K.
Kaomudi Kiran Pathak, Mr. Sunil
Kumar Jha and Mr. M.S. Akhtar,
Adv. for UOI/LAC.
Mr. Ravinder Sethi, Sr. Adv. with
Mr. Ajoy Bhushan Kalia, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
ORDER

% 06.08.2021 CM No. 23535/2021 in LA.APP.No.612/2008, CM No. 23691/2021 in LA.APP.No.749/2008, CM No. 23148/2021 in LA.APP.No.812/2008, CM No. 23156/2021 in LA.APP.No.821/2008, CM No. 23158/2021 in LA.APP.No.822/2008, CM No. 23142/2021 in LA.APP.No.912/2008, CM No. 23146/2021 in LA.APP.No.919/2008, CM No. 23154/2021 in LA.APP.No.920/2008, CM No. 23144/2021 in LA.APP.No.921/2008 and CM No. 23160/2021 in LA.APP.No.1082/2008 (all of the Land Acquisition Collector under Section 152 of CPC for correction of the common order/judgment dated 4th May, 2021)

1. I have heard the counsel for the applicant/Land Acquisition Collector (LAC) as well as the senior counsel for the appellants.

2. A mistake indeed is found to have occurred in the judgement dated 4th May, 2021, to the extent not referring to or dealing with the judgment dated 4th January, 2013 in R.F.A. No. 838/2002 titled Union of India Vs. Adil Singh and other connected appeals.

3. The senior counsel for the appellants however inter alia argues, (i) that the said judgment dated 4th January, 2013 is with respect to compensation payable under Section 17(3A) of the Land

Acquisition Act, 1894 and is not applicable to the final award, which was subject matter of appeals which were disposed of by the judgment dated 4 th May, 2021 and against which final award, the Union of India did not prefer any appeal; (ii) that in the final award, the L&DO of the Union of India has been held to be entitled to compensation of Rs.960/- only, as recorded in the judgment dated 4th May, 2021, of which correction is sought; and (iii) moreover, the award being of the Land Acquisition Collector of the Union of India, Union of India is bound thereby and cannot claim contrary thereto or challenge the same.

4. On enquiry of the fate of the 25% of Section 17(3A) compensation received by the Union of India, the senior counsel for the appellants states that Union of India is liable to reimburse the same to the appellants.

5. Needless to state, the counsel for the applicant LAC controverts.

6. Issue notice.

7. Notice is accepted by the counsel for the appellants as well as by the counsel for Delhi Metro Rail Corporation Limited (DMRC).

8. Replies be filed within two weeks. Rejoinder thereto be filed within further four weeks thereafter.

9. List for consideration on 26th October, 2021 before the Roster Bench.

RAJIV SAHAI ENDLAW, J AUGUST 6, 2021 SU..