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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LA.APP. 1067/2008

UOI

..... Appellant

Through: Mr. Ramesh Ray, Advocate.

versus

JAI LAL & ORS.

..... Respondents

Through: Ms. Smita Maan & Mr. Jitin Tewatia,
Advocates.

CORAM:

HON'BLE MR. JUSTICE P.K. BHASIN

ORDER

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21.09.2010

This appeal was filed by the Union of India challenging the judgment dated 9th December, 2006 passed by the Court of Additional District Judge in LAC No. 1148/1993 whereby the learned Additional District Judge had disposed of the reference petition under Section 18 of the Land Acquisition Act filed by the respondents herein and had enhanced the compensation in respect of the respondent's land in village Bamnoli from ₹ 12,000/- per bigha awarded by the Land Acquisition Collector to ₹ 37,000/- per bigha. The learned Reference Court had while granting enhancement and compensation had relied upon a decision of Division Bench of this Court in "Risal Singh & others Vs. Union of India and another" reported in 2006 (89) DRJ 527. That appeal was also in respect of the village Bamnoli and land was acquired vide notification dated 9.1.1987 and award no. is 15/1989-90. In the present case also the respondent's land was acquired by the same notification and same award.

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The appellant had, however, challenged the said decision of the Division Bench of this Court before the Hon'ble Supreme Court and counsel for the appellant informs that initially the operation of the Division Bench decision had been stayed and therefore, the Government had felt that since the decision of this Court was under challenge before the Apex Court, the impugned judgment of the present case should be challenged. However, the government's Special Leave Petition (being SLP No. 22796-22804/2007) subsequently came to be rejected on 5th July, 2010.

Since the only basis for challenging the Reference Court's judgment in the present case was the pendency of the Special Leave Petition of the Government before the Apex Court against the Division Bench judgment of this Court in Risal Singh's case nothing survives now in the present appeal with the dismissal of the Government's Special Leave Petition. Learned counsel for the appellant has submitted that the present appeal had been filed only because Risal Singh's judgment was under challenge before the Apex Court.

In view of the aforesaid, this appeal is dismissed.



P.K. BHASIN, J

SEPTEMBER 21, 2010

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