

Court No. - 24

Case :- FIRST APPEAL No. - 147 of 2009

Appellant :- U.P.Avas Evam Vikas Parishad Lko.Through Its Housing

Respondent :- Smt. Swaroop Kumari Bakshi And Ors.

Counsel for Appellant :- Umesh Chandra Pandey

Counsel for Respondent :- Alok Singh,Ankur Razdan,Arvind Razdan

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellant and learned counsel for the respondents.
2. The present appeal has been preferred challenging the award dated 27.08.2009 passed by the Presiding Officer, U.P. Avas Vikas Parishad Tribunal, Lucknow (hereinafter referred to as 'Tribunal') in Misc. Case No.6 of 1983 and Misc. Case No.4 of 2003.
3. It appears that against the award dated 31.03.1975 passed by the Special Land Acquisition Officer, two references were preferred by the parties; one reference is numbered as Reference No.4 of 2003 and other is numbered as Reference No.6 of 1983. Both the references are the separate references. However, the reference court for the sake of convenience decided both the references together.
4. Since, there were two references and the judgement was passed by the reference court in both the aforesaid references, therefore, there were separate decrees in both the references, and to challenge the same, two separate First Appeal would lie. Judgements and Decrees of two references cannot be assailed in one appeal, and each separate appeal shall lie against the judgement and decree passed in each case.
5. A query was put to the learned counsel for the appellant as to how the present First Appeal is maintainable challenging the reference orders passed in two cases, but he could not point out any provision under the law under which it could have been done.
6. The acquisition in the instant case is of the year 1962, and the award was passed in the year 1975 i.e more than 60 years have passed since the date of acquisition, and almost 49 years have

passed since the date of award, and the claimant/appellant whose land had been acquired has not been able to enjoy the fruits of the decree in respect to the land which had been acquired 60 years ago. Accordingly, this Court would have granted time to the appellant to remove the defect, but considering the aforesaid facts, this Court is not inclined to grant any further time to the appellant.

7. Consequently, the appeal lacks merit and is hereby ***dismissed*** with no order as to costs.

Order Date :- 11.12.2023

S.Sharma