

**IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH**

Date of Decision : October 06, 2015

**C.M.No. 856-LPA of 2015
R.A. No. 29 of 2015(O&M)
in LPA No. 201 of 1989**

Jaikaur (deceased) through LR's & others ... Applicants/Appellants

Versus

State of Haryana Respondent

**C.M.No. 828-LPA of 2015
R.A. No. 23 of 2015(O&M)
in LPA No. 203 of 1989**

Ranbir (deceased) through LR's & othersApplicants/Appellants

Versus

State of Haryana Respondent

**C.M.No. 830-LPA of 2015
R.A. No. 24 of 2015(O&M)
in LPA No. 208 of 1989**

Pohlu (deceased) through LR's & others ...Applicants/Appellants

Versus

State of Haryana Respondent

**C.M.No. 852-LPA of 2015
R.A. No. 27 of 2015(O&M)
in LPA No. 202 of 1989**

Dhara (deceased) through LR's & others ...Applicants/Appellants

Versus

State of Haryana Respondent

**C.M.No. 851-LPA of 2015
R.A. No. 26 of 2015(O&M)
in LPA No. 204 of 1989**

Om Parkash & another ...Applicants/Appellants

Versus

State of Haryana Respondent

**C.M.No. 858-LPA of 2015
R.A. No. 30 of 2015(O&M)
in LPA No. 205 of 1989**

Sher Singh (deceased) through LRs & others ...Applicants/Appellants

Versus

State of Haryana Respondent

**C.M.No. 854-LPA of 2015
R.A. No. 28 of 2015(O&M)
in LPA No. 207 of 1989**

Sadanand(deceased) through LRs & others ...Applicants/Appellants

Versus

State of Haryana Respondent

**C.M.No. 862-LPA of 2015
R.A. No. 32 of 2015(O&M)
in LPA No. 209 of 1989**

Sher Singh (deceased) through LRs & others ...Applicants/Appellants

Versus

State of Haryana Respondent

**C.M.No. 864-LPA of 2015
R.A. No. 33 of 2015(O&M)
in LPA No. 452 of 1990**

Phul Singh (deceased) through LRs & others ...Applicants/Appellants

Versus

State of Haryana Respondent

**C.M.No. 860-LPA of 2015
R.A. No. 31 of 2015(O&M)
in LPA No. 534 of 1990**

Phul Singh (deceased) through LRs & others ...Applicants/Appellants

Versus

State of Haryana Respondent

**CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN**

Present : Shri Mani Ram Verma, Advocate, for the applicants.

Shri Sudeep Mahajan, Additional Advocate General, Haryana,
for the respondent-State.

MAHAVIR S. CHAUHAN, J.

C.M. Nos. 856, 828, 852, 851, 858, 854, 862, 864, 860 & 830 - LPA of 2015:

These are applications seeking condonation of delay of 4855 days in filing the review applications. All the applications involve similar questions of facts and law and are, thus, proposed to be disposed of by this common order being passed in C.M.No.856 of 2015 in R.A. No.29 of 2015 in LPANo.201 of 1989.

The land owners, whose land was acquired pursuant to Notification dated September 02, 1981 under Land Acquisition Act, 1894 (for short, the '1894 Act') and were awarded compensation by the Land Acquisition Collector, failed in their endeavour to seek enhancement of compensation under Section 18 of the 1894 Act and their references were rejected by learned Additional District Judge, Bhiwani on October 30, 1985. Regular First Appeals brought by the landowners, however, succeeded and were allowed by the learned Single Judge vide common judgment dated July 28, 1988 in the following manner:

"I, therefore, allow these appeals and determine the market value of the acquired land in the following manner:

Chahi land: Rs. 15,000/- per acre

Ghair Mumkin and Banjar land: Rs 7,500/- per acre

The proportion between the prices of the two types of land has been maintained in view of the award of the Collector as noted above. Besides this, the appellants are also entitled to the additional amount, solatium, and interest as envisaged by Section 23 (1-A) sub section (2) and Section 28 of the Act as these stand after their amendment vide Act No. 68 of 1984. The appellants are

also held entitled to the proportionate costs.”

Letters Patent Appeals brought by the landowners to lay a challenge to the judgment of the learned Single Judge, and for enhancement of compensation did not succeed and were dismissed on November 24, 1997. The landowners then approached the Hon’ble Supreme Court by way of Petitions for Special Leave to appeal which were disposed of vide order dated March 31, 2000 in the following manner:

“Delay condoned.

The point raised in this batch of cases is, in fact, pending before a larger bench and the question relates to award of interest on solatium. Instead of keeping these matters pending, we treat them as disposed of granting leave to the petitioners to move the High Court in the event of the larger bench holding that interest is payable on solatium. The petitioners will be at liberty to move the High Court for review in the event of the decision of the larger bench going in favour of the petitioners’ contention.

The SLPs stand disposed of.”

The larger bench of the Hon’ble Supreme Court, vide order dated September 19, 2001, reported as **Sunder versus Union of India, AIR 2001 Supreme Court 3516**, allowed the matter by holding that the person entitled to the compensation awarded is also entitled to get interest on the aggregate amount including solatium.

Now, after a delay of 4855 days (or say more than thirteen years from the order of the Hon’ble Supreme Court and more than seventeen years from the order of the Letters Patent Bench) some of the landowners have sought review of the order dated November 24, 1997 dismissing the intra court appeals.

We have heard learned counsel for the parties.

The only ground pressed in service in support of applicants' plea for condonation of delay in filing the Review Applications is that order of the Hon'ble Supreme Court in *Sunder versus Union of India* (supra) was not conveyed to the applicants nor did it come to their knowledge till it was brought to their notice by their counsel. It is also submitted that one of the applicants, named Jugbir went to the Hon'ble Supreme Court on August 27, 2014 and was informed by Shri J.P. Dhanda, Advocate that some relief had been granted to the landowners by the Hon'ble Supreme Court and a photocopy of the order dated March 31, 2000 was then supplied to him. Said Jugbir then secured copies of certain documents relating to the case with the assistance of Clerk of Shri H.S. Sahni, Senior Advocate and sought his opinion which did not satisfy him. He then contacted present counsel Shri Mani Ram Verma, Advocate in the month of January 2015, who informed said Jugbir that the Hon'ble Supreme has granted interest on the amount of solatium also and it is how the instant Review Applications with applications for condonation of delay have been filed. The enumerated circumstances, according to the learned counsel for the applicants substantiate applicant's plea that they were prevented by a sufficient cause from filing the Review Applications within the prescribed period of time.

Learned State counsel, however, has opposed the applications saying that there is no ground, whatsoever, for condonation of inordinate delay in filing the Review Applications.

No other or further point has been urged on either side.

A person seeking condonation of delay is required to show to the satisfaction of the Court that the delay was caused on account of reasons beyond his control and it was not willful or deliberate and according to *P.K.*

Ramachandran V. State of Kerala and others, (1997) 7 SCC 566, “Law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes and the Courts have no power to extend the period of limitation on equitable grounds.” When seen in the light of the position of law as aforesaid, applicants’ plea for condonation of delay is bound to fail.

It is not in dispute that Letters Patent Appeals were dismissed on November 24, 1997, the Civil appeals arising of the Petitions for Special Leave to Appeal, filed by the landowners, statedly including the applicants, were disposed of on March 31, 2000 and decision of the larger bench came on September 19, 2001. The instant Review Applications alongwith applications for condonation of delay have been filed on March 16, 2015, i.e. after more than seventeen years of dismissal of the Letters Patent Appeals and more then thirteen years of the decision of the Hon’ble Supreme Court in **Sunder versus Union of India** (supra). The judgment in **Sunder versus Union of India** (supra) is a reported judgment and, as such, is deemed to be in the knowledge of public at large. As per case pleaded in the applications, the applicants did nothing till August 27, 2014, the day applicant Jugbir is stated to have met Shri J.P. Dhanda, Advocate who is said to have handed over to him a copy of order dated March 31, 2000. Thereafter, the applicants are said to have contacted Clerk of Shri H.S. Sahni, Senior Advocate, then Shri H.S. Sahni, Senior Advocate and thereafter Shri Mani Ram Verma, Advocate. None of these persons has come forward to swear an affidavit in support of what has been stated in the applications. In the absence of affidavits of these persons, story put up by the applicants is nothing more than a “Cock and Bull” story or say a sheer concoction.

Be that as it may, there is no explanation for the delay intervening date of decision of the larger bench **Sunder versus Union of India** (supra), i.e., September 19, 2001 and August 27, 2014, the day when Jugbir statedly met Shri J.P. Dhanda, Advocate.

In view of the above, we are of the considered view that the applicants have miserably failed to explain the delay of 4855 days in filing the Review Applications, much less to the satisfaction of this Court. Consequently, the applications fail and are dismissed.

RA Nos. 29 , 23, 27, 26, 30, 28, 32, 33, 31 & 24 of 2015:

As the applications for condonation of delay have been dismissed, the Review Applications do not survive and are, accordingly, dismissed.

(SATISH KUMAR MITTAL)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

October 06, 2015
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