

(2008) 07 SC CK 0159

In the Supreme Court Of India

Case No : Civil Appeal No. 4583 of 2008 (Arising out of SLP (C) No. 6437 of 2007)

Chhabile @ Ram Newaj

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 21-07-2008

Acts Referred:

Citation : (2008) 3 CLT 494 : (2008) 7 SCC 538

Hon'ble Judges : Tarun Chatterjee, J;Aftab Alam, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Delay condoned.

2. Leave granted.

3. A writ petition was filed by the appellant before the High Court of Judicature of Allahabad for directions to the respondents, State of U.P. and Ors., to make compensation at the market rates including interest in respect of the lands acquired by them. By an order dated 27th of March, 2006, the High Court dismissed the writ application holding that there was an inordinate and unexplained delay in filing the Writ Petition. Subsequent to the rejection of the Writ Application, a Review Application was filed for the purpose of reviewing the order dated 27th of March, 2006 rejecting the writ application on the ground of delay and latches. The Review Application was also dismissed by a Division Bench of the High Court on the ground that "no ground was made out in the Review Application to review the order dated 27th of March, 2006". Against the aforesaid two orders, this SLP has been filed which, on grant of leave, was heard in presence of the learned Counsel for the parties.

4. We have heard the learned Counsel for the parties and perused the impugned orders rejecting the writ application as well as the review application. So far as the order dated 27th of March, 2006 is concerned, we are of the view, on

consideration of the writ application, that in fact, there was no inordinate delay in filing the writ application because the wrong date was mentioned in the writ petition which should be 10th of January, 2006, but the same was written as 10th of January, 2005. However, without passing a speaking and reasoned order, the High Court rejected the writ application in the following manner:

From a perusal of the record, it appears that there is inordinate and unexplained delay in filing the writ petition. The writ petition is dismissed on the ground of laches.

5. So far as the order dated 4th of August, 2006 passed in the Review Application is concerned, the same was rejected on the ground that no ground has been made out for reviewing the order. It also appears from the order rejecting the review application that even on merits, no ground was made out to interfere with the impugned order dated 10th of January, 2006 passed by the Special Land Acquisition Officer, Varanasi, which was challenged in the writ application.

6. The order dated 4th of August, 2006 reviewing the writ application on the aforesaid ground cannot be sustained. We have looked into the averments made in the writ application and the statement that the order of the Special Land Acquisition Officer was passed on 10th of January, 2006 and not on 10th of January, 2005. We do not find any reason to reject the writ application on the ground of delay. In this view of the matter, the writ petition should be restored and the impugned order dated 27th of March, 2006 is set aside.

7. In our view, the order rejecting the review application, which is also under challenge, is also liable to be set aside and accordingly, it is hereby set aside and the writ petition is restored to its original file. The High Court is now requested to dispose of the writ petition on merits and after giving hearing to the parties and after passing a reasoned order in accordance with law. The appeal is, therefore, allowed to the extent indicated above. There will be no order as to costs.