

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CIVIL) NO. 27879 OF 2018

Bihari (Dead) through Lrs. and others

...Petitioners

Versus

State of U.P. and another

...Respondents

ORDER

1. Interlocutory Application No. 79728 of 2021 for bringing on record the Legal Heirs of deceased Petitioner No. 2 – Rajendra Sharma is allowed in terms of the prayer made.

2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 14.08.2012 passed by the High Court of Judicature at Allahabad in First Appeal No. 319 of 1994, by which the High Court has allowed the said appeal preferred by the original landowners and has enhanced the amount of compensation from Rs.6/- per square yard as awarded by the Reference Court to Rs. 28.12 per square yard, the original landowners have preferred the present special leave petition.

3. At the outset, it is required to be noted that the impugned judgment and order has been passed by the High Court on

14.08.2012 and the present special leave petition has been preferred in the month of September, 2018. Thus, there is a delay of approximately six years in preferring the special leave petition. No sufficient cause has been shown explaining the huge delay of six years. Under the circumstances and in view of the decision of this Court in the case of *Baljeet Singh (dead) through Lrs. & Others v. State of U.P. and others*, reported in (2019) 15 SCC 33, the present special leave petition is required to be dismissed on the ground of delay itself.

4. Even otherwise, it is required to be noted that after the impugned judgment and order has been passed by the High Court enhancing the compensation to Rs. 28.12 Per Square Yard, in fact, the respondents accepted the judgment and order passed by the High Court and deposited the entire amount as awarded by the High Court and even the landowners received the same in the year 2013 accepting the judgment and order passed by the High court awarding compensation at the rate of Rs. 28.12 per square yard. Therefore, even the cause shown explaining the delay is not acceptable.

5. Even otherwise on merits also, the petitioners have no case. By a detailed judgment and order pronounced today in Civil Appeal Nos. 5738-5739 of 2021 and Civil Appeal No. 5740 of 2021,

we have determined the compensation at the rate of Rs. 28.12 Per Square Yard with respect to the lands acquired for the very purpose for which the notification under Section 4 of the Land Acquisition Act was issued in the year 1976.

6. In view of the above and for the reasons stated above, the present special leave petition stands dismissed on the ground of delay as well as on merits.

**.....J.
[M.R. SHAH]**

**NEW DELHI;
SEPTEMBER 23, 2021.**

**.....J.
[A.S. BOPANNA]**