

ITEM NO.3

Virtual Court 5

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 26968/2019

(Arising out of impugned final judgment and order dated 16-11-2016 in FA No. 98/1998 passed by the High Court Of Judicature At Allahabad)

LATE CHEDDI LAL & ORS.

Petitioner(s)

VERSUS

RAILWAY ELECTRIFICATION & ANR.

Respondent(s)

(FOR ADMISSION and Interim Relief and
IA No.42196/2020-CONDONATION OF DELAY IN FILING and
IA No.42211/2020-EXEMP.FROM FILING C/C OF THE IMPUGNED JUDGMENT and
IA No.42202/2020-APPLICATION FOR SUBSTITUTION and
IA No.42209/2020-EXEMPTION FROM FILING O.T. and
IA No.42207/2020-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and
IA No.42204/2020-CONDON.OF DELAY IN FILING SUBSTITUTION APPLN. and
IA No.42199/2020-CONDON.OF DELAY IN REFILEING/CURING THE DEFECTS)

Date : 18-05-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Ms. Michell, Adv.
Mr. Nikilesh Ramachandran, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through video conferencing.

Abatement, if any, is aside aside. Delay in filing the application for substitution is condoned. For the reasons stated in the Application (I.A. NO.42202 of 2019), substitution is allowed and the legal representatives of the deceased petitioners are brought on record.

Permission to file the special leave petition is granted.

Delay of 896 days in filing and 189 days in filing the special leave petition is condoned.

Being aggrieved by Order dated 16.11.2016 passed by the High Court of Judicature at Allahabad in First Appeal NO.98 of 1998, the petitioner-Cheddi Lal and other have preferred this special leave petition.

We have heard Ms. Michell, learned counsel along with Mr. Nikhilesh Ramachandran, learned counsel appearing for the petitioners, who mainly submitted that as against a similar Order dated 16.11.2016 in First Appeal NO.98 of 1998, notice has been issued by this Court in SLP(C) Diary NO.26075 Of 2019 - Lal Bahadur & Ors. v. Railway Electrification & Ors. On 19.08.2019. Learned counsel submitted that the present matter is also similarly situated as that of the above special leave petition.

By perusal of the well-considered judgment of the High Court, we find that after acquisition of the land, reference suit was filed by the vendors of the petitioner, Abdul Raheem and Rahiman Bibi seeking for enhancement of compensation and compensation was also paid to them. Subsequently, Cheddi Lal filed Suit No(s).112-16-114 of 1984-85 and 1985-86 before the Revenue Court praying for the declaration that the land is owned by him. Later on the said suit was withdrawn by the petitioner-Cheddi Lal. The High Court has elaborately dealt with this aspect and held that the Cheddi Lal has consciously withdrawn the suit. That apart the Cheddi Lal has filed number of writ petitions. By Order dated 13.03.2019, the Supreme Court has directed to appoint a competent Commissioner to

demarcate the actual acquired area and submit a report to this Court. The Commissioner has filed a detailed report stating that the acquired land is identifiable in the possession of the Railways. The Supreme Court vide Order dated 19.11.2019 directed that the said report of the Commissioner may be taken into consideration. The High Court has also held that the petitioner having consciously withdrawn the revenue suit, the present suit filed by him is hit by Order II rule 2 of CPC.

Under the above facts and circumstances, reasonings of the High Court in the impugned order, we are of the view that there is no ground to interfere with the well-considered judgment of the High Court.

The special leave petition is accordingly dismissed.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
AR-cum-PS

(BEENA JOLLY)
BRANCH OFFICER