

SUPREME COURT OF INDIA

Union of India (UOI)

Vs.

Shankari Devi

C.A.Nos.6887-6890 of 2003

(G. S. Singhvi and Asok Kumar Ganguly JJ.)

10.02.2011

JUDGMENT

1. These appeals are directed against orders dated 20.05.2002 passed by the Division Bench of the Punjab and Haryana High Court which declined to interfere with the interlocutory orders passed by the learned Single Judge in the first appeals filed by the Appellants against award dated 23.05.2000 passed by the arbitrator appointed pursuant to the direction given by the High Court in Civil Writ Petition No. 1339 of 1986.

2. Harbans Lal (since deceased), husband of Respondent No. 1, had one-half share in 33 kanals 16 marlas land situated in village Nangal, Tehsil Pathankot. In 1965, the Government of India took possession of the land by invoking the provisions of the Requisitioning and Acquisition of Immovable Property Act, 1952 (for short, "the Act"). After five years, the land was acquired vide notification dated 13.3.1970 issued under Section 7(1) of the Act and some compensation was paid to the deceased. Feeling aggrieved by smallness of the amount of compensation, some of the land owners sought reference to the arbitrator. The Government of India appointed an arbitrator but the claim of Harbans Lal was not referred to him. In 1986, Harbans Lal joined the left out land owners and filed Civil Writ Petition No. 1339 of 1986 for appointment of an arbitrator to determine the amount of compensation. The writ petition was allowed by the Division Bench of the High Court and a direction was issued for appointment of an arbitrator.

3. In compliance of the order of the High Court, District Judge, Gurdaspur was appointed as an arbitrator. After analyzing the pleadings of the parties and

evidence produced by them, the arbitrator passed award dated 23.05.2000, the operative portion of which reads as under:

For the foregoing reasons and discussion, I accept this application with costs and award compensation to the applicant of the acquired land at the rate of Rs. 150/- per marla for nehri land, at the rate of Rs. 125/- per marla for barani land and at the rate of Rs. 100/- per marla for the barani dome or banjar qadim land and the applicant is accordingly awarded compensation for the land acquired at this rate alongwith solatium at the rate of 30% on such market value and interest thereon for the first year, from the date when the possession of the land was taken at the rate of 9% and thereafter, at the rate of 15% per annum, till the rate of payment of the compensation awarded....

4. The Appellants challenged award of the arbitrator by filing appeals. They also applied for stay of the award. The learned Single Judge stayed the award insofar as it contemplated payment of solatium to the land owners.

5. Respondent No. 1 filed Civil Writ Petition No. 17343 of 2000 with the complaint that she has not been paid compensation in terms of the award of the arbitrator. By an order dated 31.1.2002, the Division Bench of the High Court disposed of the writ petition with a direction to Appellant No. 1 herein to pay the amount of compensation to Respondent No. 1 within two months.

6. The Appellants did not challenge the aforementioned order by filing special leave petition but filed letters patent appeals questioning the interlocutory orders passed by the learned Single Judge in FAO Nos. 1464 of 2001 and 1465 of 2001. The Division Bench of the High Court dismissed the letters patent appeals by relying upon the judgment of this Court in *Union of India v. Hari Krishan Khosla (Dead)* by L.Rs.: (1993) Suppl. 2 SCC 149.

7. We have heard learned Counsel for the Appellants at considerable length and perused the record. In our opinion, the appeals are wholly meritless and deserve to be dismissed with costs because the Appellants have omitted to place on record the orders passed by the learned Single Judge, which were challenged in LPA Nos. 325 and 326 of 2002 and without going through those orders, it is not possible for this Court to appreciate the Appellants' challenge to the impugned orders in a correct perspective. That apart, learned Counsel for the Appellants could not show any patent error in the discretion exercised by the Division Bench of the High

Court not to interfere with the orders passed by the learned Single Judge, who had not entertained the Appellants' prayer for wholesome stay.

8. The appeals are accordingly dismissed. The Appellants shall pay cost of Rs. 25,000/- in each of these appeals. The amount of cost shall be deposited in the Supreme Court Employees Mutual Welfare Fund within four weeks from today.