

SUPREME COURT OF INDIA

Kethu Penchal Reddy

Vs.

The Special Deputy Collector (La)

C.A.No.10946 of 2018

(Kurian Joseph and Hemant Gupta,JJ.,)

13.11.2018

JUDGMENT

Kurian Jospeh,J.,

SLP(Civil)No.28984/2018

1. Leave granted.
2. In the nature of the order we propose to pass in this matter, it is not necessary to issue notice to the respondent, since in any case they will get a chance before the High Court and since we are not dealing with the matter otherwise on merits.
3. An attempt of the appellants for enhancement of compensation was declined by the High Court only on the ground of delay. In identical circumstances and pertaining to the very same acquisition, this Court, in Civil Appeal No.1045/2018, has passed the following judgment:-

"1. Leave granted.

2. The High Court, as per the impugned order, declined to consider the claim made by the appellant(s) for enhancement of compensation on the ground of unexplained delay in approaching the High Court. In cases where the claim is made for enhancement, this Court has taken a consistent view that in case the claimants are denied the statutory benefits for the period covered by delay, a lenient view should be taken while condoning the delay.

3. Having regard to the facts and circumstances of the case, we condone the delay on the part of the appellant(s) in approaching the High Court on the condition that for the period of delay, they shall not be entitled to any statutory benefits in case any enhancement is granted by the High Court on merits.

4. Since we are bereft of other particulars on merits, we remit the matter to the High Court for consideration of the claims made by the appellant(s) on merits. The parties will appear before the High Court on 01.11.2018. We request the High Court to consider the matter expeditiously since the claim pertains to the acquisition in the year 1990."

4. We do not find any ground for taking a different stand. This appeal is also disposed of in terms of the judgment, extracted above, with a further request to the High Court to dispose of the appeal on merits, expeditiously, with a rider that for the entire period of delay the claimants will not be entitled to any statutory benefits in the event of enhancement.

5. Pending interlocutory application(s), if any, is disposed of.

6. There shall be no order as to costs.