



2026:AHC:159155-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CIVIL MISC REVIEW APPLICATION No. - 384 of 2024

Bareilly Development Authority

.....Applicant(s)

Versus

Ram Pal And 4 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Dharmendra Singh Chauhan, Sr. Advocate
Counsel for Opposite Party(s)	:	C.S.C., Shiv Kant Mishra

Court No. - 42

HON'BLE ATUL SREEDHARAN, J.

HON'BLE KSHITIJ SHAILENDRA, J.

(Per: Hon'ble Atul Sreedharan, J.)

1. The present application has been filed by the Bareilly Development Authority which is aggrieved by the order passed by the Coordinate Bench of this Court in Writ-C No.4600 of 2022 dated 24.05.2024, the review of which is sought by this application.

2. The said writ petition was filed by the Respondents herein who had prayed for a direction to the applicants herein to pay interest to the Respondents in the light of award dated 26.04.2016 declared by the Special Land Acquisition Officer (Joint Organization Bareilly) in respect of their 2/3 share in khasra No.135 bearing an area of 1.4750 hectare of revenue Village Dohaniya, Tehsil Bareilly, District Bareilly.

3. According to the Petitioner, the land was acquired by the State for the development by the Bareilly Development Authority under the provisions of the Land Acquisition Act, 1894 (hereinafter referred to as the 'Act of 1894'). However, as the award was not declared until the repeal of the Act of 1894 by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the 'Act of 2013'), under Section 24 (1) of the new Act, acquisitions made under the

old Act but for which award was not declared under Section 11 of that Act, all provisions relating to determination of compensation stipulated under the new Act have been made applicable.

4. The applicant- Bareilly Development Authority accepted the legal position and as per the award of 26.04.2016 passed under the new Act, the compensation amount was determined for the affected persons held entitled to interest on the date of taking over possession, till the date of making the award apart from other statutory benefits.

5. In the said petition, the award of 26.04.2016 was given to this Court in the typed format along with the original award of even date. In the original copy, the award reads "अर्जित भूमि पर कब्जे के दिनांक से अभिनिर्यण तक नियमानुसार ब्याज देय होगा...", whereas in the typed copy that was annexed along with the petition filed in the Court, the corresponding part read " अर्जित भूमि पर कब्जे के दिनांक से अभिनिर्यण के दिनांक तक प्रथम एक वर्ष के लिए 9% वार्षिक ब्याज तथा शेष अवधि के लिए 15% की दर से ब्याज देय होगा...".

6. It was the typed copy that was impressed upon the coordinate Bench rather than the original, which did not provide for interest @9% for the first year and 15% thereafter. It is also necessary to mention here that in paragraph 13 of the petition it was averred by the Petitioner "**that, the Petitioner is entitled for interest @9% for one year from the date of possession and thereafter @ 15% per annum till the date of payment.**" Thereafter in paragraph No.16, it was averred that this Court directs the Respondents to pay the interest in the light of award dated 26.04.2016 declared by the Special Land Acquisition Officer (Joint Organization Bareilly), in respect of 2/3 part of khasra No.135 area 1.4750 hectare.

7. It was the typed copy with the unlawful addition of interest @9% per annum from the first year and @15% which was shown to the learned coordinate Bench of this Court, appreciating which, and considering the same to be an honest and genuine reproduction of the original award, that the co-ordinate bench of this Court passed the order under review dated 24.05.2024, by which a writ of mandamus was issued directing the

Respondents Bareilly Development Authority (in the writ petition), to pay interest to the Petitioner from the date of dispossession i.e. 16.12.2005 @9% per annum for the first year and @15% for the subsequent period until the declaration of award on 26.04.2016, within a period of 8 weeks from the date of communication of the order under review.

8. However, while going through the records, the Bareilly Development Authority uncovered the fraud that was played upon this Court by the Respondents herein and therefore the present application was filed for the purpose of recall/correction of the order dated 24.05.2024. During the pendency of this application, a contempt petition was filed by the Respondents and pressure was brought to bear upon the Bareilly Development Authority to comply with order dated 24.05.2024 and make the payments to the beneficiaries in the aforementioned writ petition as per the directions of the coordinate Bench @9% and @15%. The Bareilly Development Authority, capitulated to the pressure brought to bear upon them by the counsels for the Respondents herein, and paid the beneficiaries the interest amount as directed by the order under review.

9. This Court is shocked by the conduct of the counsels for the Respondents herein who had prepared the writ petition in which the order under review was passed. Learned Senior Counsel appearing on behalf of the counsels for the Respondents has prayed for mercy for the counsels who are responsible for the deception and wanton corrupt practice of deliberately misleading this Court and securing a relief by fraudulent means to which their client was not entitled to the counsel for the Respondents before this Court. The counsels for the Respondents who filed the original writ petition, were conscious of their actions. The learned Senior Counsel submits that it was an inadvertent error on the part of the counsels for the Respondents herein. He also said that it is typographical error which had crept into the typed copy of the award dated 26.04.2016.

10. We have considered the submissions put forth by the learned Senior Counsel on behalf of the counsels for the Respondents, and respectfully

reject the same. A typographical error stands out from an act of deception. Typographical errors may result in spelling mistakes or mistakes in calculation or numerical errors but where the interest @9% and 15% was never mentioned in the original award of 2016, adding the same in the typed copy was not an inadvertent error, it was misfeasance by the counsels. Learned counsels for the Respondents knew exactly what they were doing. They did it to benefit monetarily and to secure for their clients, relief that they were not entitled to under the law.

11. This Court would have viewed the entire episode differently had the application for amendment/review of the order dated 24.05.2024 were filed by the counsels for the Respondents, bringing to the notice of this Court that such an error had crept into the order above mentioned and that their clients were not entitled to interest @9% and @15%. That would have an act where the learned counsels for the Respondents would have establish their bonafides and this Court would have closed the case against them as inconsequential. However, not doing so and filing a contempt petition for the payment of interest at the aforementioned rates, goes to further buttress the opinion of this Court that what the learned counsels were doing was an offence of which they were fully aware of. The prayers for forgiveness and pardon put forth by learned Senior Counsel and by the counsels in question is rejected.

12. Remorse arising from penitence for a wrong act is different from the fear of retribution from the Court upon discovery. Today the apologies are forthcoming only because the bluff of the counsels for the Respondents has been called and they fear of what may befall them and therefore, the prayer for mercy is rejected.

13. It is often said that the profession of advocacy is a noble profession however, a deep introspection is required by the Bar whether anyone other than the members of the Bar refer to the profession of advocacy as a noble profession anymore? Citizens approach the Courts through the members of the Bar out of sheer exasperation, desperation and helplessness, not because

they want to, but because they have no other option. The angst of the average litigant is against both the Bar and the Bench. In such a situation, the litigant places his entire faith in his counsel believing that he would advise him properly and conduct his case with diligence and integrity.

14. If the counsels for the Respondents are let off lightly by accepting their apology and an undertaking that they would never repeat it, the same would send a wrong message to the Bar, that sharp practice is acceptable as long as it remains undetected and if caught, the court shall be forgiving. Those nurturing such an impression must perish the thought.

15. The High Court Bar Association of Allahabad has a history of one hundred and fifty three years of which its members can truly take pride in. Likewise the High Court of Allahabad has been in existence for more than a century and half. Many a legend from the Bar and Bench have strode through its hallowed corridors which is a reminder, frozen in time, of its enviable legacy of deep learning, erudition and most importantly, integrity which is the back bone of character for the Bar and the Bench. To ensure that such traditions are kept alive and that the respect for the Bar continues those who have been caught indulging in such actions must be dealt with severely.

16. There is an application for condonation of delay of 66 days. In the specific facts and circumstances of the case, the application is allowed, the delay is condoned.

17. The application for review is **allowed** as the order has been secured by playing fraud on this Court, the order dated 24.05.2024 passed by the coordinate Bench in Writ-C No.4600 of 2022 is set aside on the ground of lack of bona fide and fraud played upon the Court by the Respondent's counsels.

18. The Bareilly Development Authority is directed to move an application before the revenue authority to recover the amount that has been paid to the beneficiaries/Respondents(s) in the light of the order dated 24.05.2024 and to recover the same from those to whom the amount has been disbursed at

9% and 15 % as arrears of the revenue. This process must be commenced forthwith.

19. As the Counsels for the Respondents, Mr. Shiv Kant Mishra and Mr. Krishna Kant Mishra have drawn and filed the petitions on behalf of their clients who do not know English and neither do they understand the nuances of law, this Court finds that the actions of the counsels for the Respondents *prima facie* constitute an offence under Section 199 of the IPC which is punishable under Section 193 for giving false evidence. Therefore, the Registrar General of this Court is requested to proceed under Section 340 of Cr.P.C., conduct an inquiry under Section 340 of Cr.P.C. and thereafter prefer a complaint to the Court of Magistrate concerned, for the offence punishable under Section 199 of IPC.

20. The Registrar General of this Court shall also prefer a complaint to the Bar Council for India and the State Bar Council seeking the cancellation of the licences of these counsels for their unpardonable conduct.

21. In all those writ petitions where the aforementioned order of 24.05.2024 has been relied upon for similar orders, the order passed by this Court today shall be placed before the Court concerned in all those cases along with the appropriate application.

22. With the above directions, the review application stands disposed of.

July 30, 2026
R.S. Tiwari

(Kshitij Shailendra,J.) (Atul Sreedharan,J.)