
(2005) 02 DEL CK 0156

In the Delhi High Court

Case No : Regular First Appeal 123 and 185/87

Anoop Singh and Others

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 10-02-2005

Acts Referred:

Citation : (2005) 02 DEL CK 0156

Hon'ble Judges : B.C. Patel, C.J.; Sanjay Kishan Kaul, J

Bench : Division Bench

Advocate : S.K. Rout, for the Appellant; S.S. Dalal, for the Respondent

Final Decision : Dismissed

Judgement

B.C. Patel, C.J.—The present appeals are filed against the order made by the learned single Judge in LAC Nos.11/83 and 12/83 dated 25th September, 1986 and 1st October, 1986. The notifications u/s 4, 6 and 17 of the Land Acquisition Act, 1894 (for short the Act) were issued on 30th May, 1979 acquiring land of the appellants and others.

2. There is no dispute with regard to the procedure followed for acquisition of land. The claimants being dissatisfied with the award made by the Land Acquisition Collector awarding the compensation of Rs. 1800/- per bigha applied for reference u/s 18 of the Act. The reference court examined the matter and only piece of evidence that was produced before the court was instance of sale of a parcel of land located in the same village. No other evidence whatsoever was led. The reference court considered the sale instance and was of the opinion that the claimants are entitled to compensation at the rate of Rs. 12000/- per bigha and accordingly awarded the compensation with all other benefits indicated in the award.

3. Before this court learned counsel submitted that the sale instance is of 20th January, 1979 while the notification is of 30th May, 1979 and Therefore the amount should have been increased. We cannot accept the contention raised by

the learned counsel.

It is clear that transaction is of the same year and there is no difference between the transaction and the date of the notification, in the absence of any evidence. Therefore, in our opinion it cannot be said that the trial court has committed an error in awarding compensation at the rate of sale deed which was cited as an instance for claiming the compensation. In view of this we are not inclined to allow this appeal and is dismissed.