
(2005) 01 DEL CK 0105

In the Delhi High Court

Case No : Regular First Appeal 109 of 1994

Bhan Singh and Others

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 27-01-2005

Acts Referred:

Citation : (2005) 01 DEL CK 0105

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

Bench : Division Bench

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

Final Decision : Dismissed

Judgement

B.C. Patel, J.

CM No. 5116/2004

1. This is an application seeking restoration of the appeal, which was dismissed for non-prosecution on 18.03.2004. Heard learned counsel for the parties.
2. Learned counsel for the appellants fairly concedes that he will not claim interest on behalf of the appellants from the date of dismissal of the appeal till date.
3. In view of the said fact as also taking into consideration the facts and circumstances of the case, the appeal is restored to its original number.
4. Application stands allowed.

RFA No. 109/1994

5. This appeal arises from the impugned order dated 30.08.1993 of the learned Additional District Judge (for short, "ADJ") passed on a reference made in respect of the land of the appellants acquired under the Land Acquisition Act, 1894 (for short, "the said Act"). The appellants were awarded compensation @

Rs. 6,000/- per bigha and being dissatisfied with the same sought a reference and claimed an enhanced amount of Rs. 15,000/- per bigha before the learned ADJ.

6. The only material placed before the learned ADJ by the appellants in support of their claim is a judgment (Exhibit A-1) passed by the learned ADJ in LAC No. 98/1991 titled "Nathu and Ors. v. Union of India". The Reference Court accepted the said plea of the appellants and sought no reason to render a judgment different from the one given in the said case. The Reference Court, in fact, notes that the appellants have placed only reliance on the said judgment to claim enhancement of compensation and have not produced any other evidence to substantiate the claim of any peculiarities in respect of the land whereby they would be entitled to a higher amount.

7. In view of the aforesaid position and in the absence of any other material before the Land Acquisition Collector, as well as before the Reference Court, we see no reason to interfere with the order passed by the Reference Court.

8. It may be noticed that nothing has been brought to the notice of this Court by either of the two counsels to say that the judgment in Nathu and Ors.'s case (supra) was superseded by any subsequent judgment of this Court.

9. The attention of this Court was also drawn to the fact that in respect of the same Village, a notification was issued in the year 1983 when the compensation awarded was Rs. 27,000/- per bigha. Similarly in respect of the same Village in the year 1991, the compensation awarded has been Rs. 52,000/-. Both these compensations have been fixed by this Court. If 10% depreciation is applied from the nearest year of acquisition of the land in the said Village being 1983, even then the compensation would come to approximately the same amount as determined by the Reference Court.

10. For all the aforesaid reasons, we find no merit in the appeal. Dismissed.