
(2010) 02 DEL CK 0229
In the Delhi High Court
Case No : LA. APP. 81 of 2010

Bhoj Kumar Sharma

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 15-02-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (2011) 180 DLT 748

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : S.K. Rout, M.K. Pradhan and Sunita Kumari, for the Appellant;
Ramesh Ray, for the Respondent No. 1/UOI and Shobhana Takiar, for the
Respondent No. 2/DDA, for the Respondent

Judgement

Hima Kohli, J.—The present appeal is directed against a judgment dated 9.2.2007 passed by the Reference Court in respect of land situated in village Kakrola, covered under Award No. 1/1993-94, pursuant to the notification issued u/s 4 of the Land Acquisition Act, on 6.6.1991.

2. Counsel for the Appellant states that the present appeal is covered by a common judgment delivered by the Division Bench on 23.10.2008, in a batch of matters pertaining to village Kakrola, lead matter being Ved Prakash and Ors. v. Union of India and Ors. registered as LAA No. 673/2008. Para 35 of the aforesaid judgment is reproduced hereinbelow for ready reference:

35. In these circumstances, the appeals of the land owners are partly allowed by enhancing the compensation from Rs. 1,09,500/- to Rs. 1,20,500/-. These appeals are allowed in the aforesaid manner with proportionate costs. The Appellants shall also be entitled to all other statutory benefits as awarded by the learned ADJ. All the pending applications also stand disposed of. As a consequence, the appeals preferred by the UOI are also dismissed.

3. Counsel for the Respondent/Union of India fairly states that the appeal

preferred by the Union of India, registered as LAA No. 403/2008 challenging the same judgment and decree dated 9.2.2007 was dismissed by the Division Bench on 23.10.2008 along with Ved Prakash and Ors. (supra). He further states that his clients are in the process of preferring an appeal against the aforesaid judgment before the Supreme Court.

4. Guided by the aforesaid judgment dated 23.10.2008, passed in the case of Ved Prakash (supra), the present appeal is partly allowed by enhancing the compensation payable to the Appellant from Rs. 1,09,500/-to Rs. 1,20,500/-per Bigha. The Appellant shall also be entitled to all other statutory benefits as awarded by the learned ADJ. However, it is clarified that the Appellant shall not be entitled to claim interest on the enhanced compensation for the period of delay of 889 days in preferring the appeal and costs in the appeal, in terms of the order dated 21.1.2010 passed in CM 1222/2010 preferred by the Appellant for condonation of delay in filing the appeal.

5. Appeal is disposed of. Decree sheet be prepared accordingly. File be consigned to the record room.