

(2010) 05 DEL CK 0025
In the Delhi High Court
Case No : La. App. 490 of 2010

Ishwar Singh

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 17-05-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 23(1A), 4, 6

Citation : (2010) 05 DEL CK 0025

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : Rajeev Gupta, for the Appellant; Ramesh Ray, for R1 and Vikram Saini, for R2/DSIDC, for the Respondent

Judgement

Hima Kohli, J.—The present appeal is directed against a judgment dated 19.11.2005 passed by the Reference Court in respect of the land situated in village Bawana, covered under Award No. 1/97-98 announced on 04.07.1997, pursuant to the Notification dated 15.11.1996, issued u/s 4 of the Land Acquisition Act, 1894, (hereinafter referred to as 'the Act'), followed by Notification dated 21.11.1996, issued u/s 6 of the Act.

2. Counsel for the appellant states that the present case is covered by a judgment dated 11.05.2006, passed by a Division Bench of this Court in a batch of appeals, lead matter being Mahender Singh v. Union of India and Ors. registered as LAA 866/2005, which also pertains to land situated in village Bawana and is covered by the same Award No. 1/97-98. The operative paras of the aforesaid judgment are reproduced hereinbelow:

41. In view of our afore discussion, we are of the considered opinion that the judgment under appeal to some extent suffers from factual and errors or law. As a Court of appeal, these errors must be corrected. We hold that the claimants are entitled to the following reliefs:

(a) The order maintaining the categorisation of the acquired land into groups A

and B is set aside. All claimants, whose lands have been acquired vide notification dated 15th November, 1996 in the revenue estate of Village Bawana would be entitled to uniform rate of compensation.

(b) The claimants would be entitled to increase in the awarded amount of compensation from 1st April, 1996 to 15th November, 1996, (the date of notification u/s 4 under the Act) @ 11.5% compounded annually on the compensation awarded by the Reference Court/Collector that would roughly give them total enhanced compensation of Rs. 1,99,904.68 p. per bigha.

(c) The claimants are entitled to interest on the amount of solatium for the period for which they have not been paid interest in accordance with law.

(d) The claimants would be entitled to all the benefits of interest and statutory payments under the provisions of the Act including Section 23(1-A) of the Act on the enhanced compensation.

(e) The claimants would also be entitled to proportionate costs.

42. These appeals are disposed of in the above terms.

3. Counsel for the appellant fairly states that in view of the peculiar facts and circumstances of the present case, he does not claim entitlement to proportionate costs.

4. Accordingly, the present appeal is disposed of on parity with the case of Mahender Singh (supra), while granting the appellant the reliefs mentioned in sub paras (a) to (d) of para 41 of the aforesaid judgment. In other words, the appellant shall be entitled to all the reliefs as granted to the land owners in the aforesaid judgment except for the proportionate costs. It is, however, clarified that the appellant shall not be entitled to claim interest on the enhanced compensation for the period of delay of 1491 days in preferring the appeal in terms of the orders passed today in CM 9204/2010, preferred by the appellant for condonation of delay in filing the appeal.

5. The appeal is disposed of. Decree sheet be prepared accordingly. Files be consigned to the record room.