
(2008) 07 DEL CK 0138
In the Delhi High Court
Case No : L.A. App. 297 of 2005

Jagbir Singh

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 09-07-2008

Acts Referred:

Citation : (2008) 07 DEL CK 0138

Hon'ble Judges : Mukul Mudgal, J; Manmohan, J

Bench : Division Bench

Advocate : Sunita Jain, for the Appellant; Sanjay Poddar, for the Respondent

Judgement

Mukul Mudgal, J.

CMA No. 13708/2007 (delay)

1. This is an application seeking condonation of delay in filing the present appeal.
2. The delay is condoned, however, subject to the condition that no interest would be paid for the period of delay i.e. 535 days.
3. Accordingly, the application stands disposed of.

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4. In the present appeal the notification u/s 4 of the Act was issued on 15.11.1996 and the declaration u/s 6 of the Act was made on 21.11.1996 in respect of village Bawana. Thereafter award No. 01/97-98 was drawn by the Land Acquisition Collector. The Land Acquisition Collector placed the acquired land in two categories. The land placed in category A was assessed @ Rs. 1,86,500/- per bigha and the land placed in category B was assessed @ Rs. 1,61,500/- per bigha. The appellant (claimant) was not satisfied. Consequently, reference u/s 18 of the Act came up before the learned Addl. District Judge, Delhi, who enhanced the rate of land in category A to Rs. 2,41,452/- and category B to Rs. 2,01,452/-. Similar persons whose land was acquired as well as

the Union of India challenged the said judgment. The High Court set aside the judgment and remanded the matter to the Addl. District Judge, Delhi, with directions to decide the matter afresh. This time the successor learned Addl. District Judge dismissed the reference with the result that the appellant (claimant) was back to square one. Against the Additional District Judge's new order dated 7th December, 2005 the present appeal has been filed.

5. There is no dispute that exactly similar appeals pertaining to same notification, declaration, award and the final taking over of the possession of the acquired land in village Bawana have been disposed in L.A. Appeal No. 866/2005 titled Mahender Singh v. UOI and Ors. decided on 11.5.2006 and the issues involved in the present appeal is covered by the judgment. We have gone through the said judgment in which all the aspects have been dealt with extensively and the entire evidence produced before the Addl. District Judge has been re-appreciated. Reliance has been placed on several High Court and Supreme Court judgments and the appeal has been allowed.

6. We reaffirm the said judgment and allow appeal in terms of the said judgment and direct that the enhanced amount, interest, solatium and other statutory payments in accordance with the judgment in Mahender Singh v. UOI and Ors. (Supra) be made. However, the appellant shall not be entitled to interest for the period of delay i.e. of 535 days in filing the appeal i.e. for the period commencing from the date of the impugned judgment till the date of filing of the appeals excluding 90 days. Payments be made not later than 1st November, 2008.

7. With the above directions, this appeal is disposed of along with the applications. A copy of the judgment in Mahender Singh v. UOI and Ors. (Supra) be placed in this file. Decree sheet be prepared accordingly.