

(2010) 09 DEL CK 0177

In the Delhi High Court

Case No : La. App. No. 582 of 2009

Joginder Singh and Another

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 27-09-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 19

Citation : (2010) 09 DEL CK 0177

Hon'ble Judges : P.K. Bhasin, J

Bench : Single Bench

Advocate : S.S. Gulia, for the Appellant; Ramesh Ray, for UOI, for the Respondent

Final Decision : Allowed

Judgement

P.K. Bhasin, J.—This appeal was filed against the judgment dated 28th November, 2006 passed by learned Additional District Judge, Delhi in LAC No. 40/06 whereby the compensation amount in respect of the land of the appellants acquired by the Government in village Tikri Kalan was enhanced from Rs. 3,92,000 per bigha awarded by the Land Acquisition Collector to Rs. 4,02,000 per bigha. The appeal was filed since the appellants felt that they were entitled to still more compensation.

2. After disposal of the reference petition by the learned Additional District Judge a Division Bench of this Court disposed of a bunch of land acquisition appeals in respect of the same village i.e Tikri Kalan which had also arisen out of the same notification and same award of the Land Acquisition Collector (being Award No. 2/ DCW/2004-05) out of which the present matter had arisen. That bunch of appeals, out of which LAA No. 34/2007 "Partap Singh (decd) through LRs. v. UOI" was the lead case, was disposed of vide judgment dated 19th December, 2008 whereby the market value of the land in the aforesaid village was fixed at Rs. 4,02,850 per bigha in respect of the lands in Block-A and at Rs. 3,24,850 in respect of land in Block-B. That judgment of the Division Bench was challenged

before the Supreme Court by the Union of India but that challenge failed.

3. It is now common case of the parties that relying upon the aforesaid decision of the Division Bench of this Court in Pratap Singh's case, a number of villagers of village Tikri Kalan have got the benefit of that judgment. The present appellant could not get that benefit since he had not filed any appeal. However, on coming to know of the passing of the judgment by the Division Bench in Pratap Singh's case he also approached this Court by filing the present appeal along with an application for condonation of delay in filing of the appeal. The delay in filing of the appeal was condoned vide order dated 2nd March, 2010 but subject to the condition that appellant shall not be entitled to claim interest on the enhanced amount for the period of delay of 2 years 5 months and 27 days in preferring the appeal and they shall also not get the costs of the appeal and further that the appellant shall pay costs of ₹5,000 to each of the respondents which is stated to have already been paid.

4. Counsel for respondent No. 1-UOI did not dispute that with the dismissal of the Government's SLP against the judgment of the Division Bench of this Court in Partap Singh's case by the Supreme Court, the appellant has also become entitled to the benefit of that judgment like other similarly placed villagers have got.

5. The appellants being similarly placed as the other villagers in respect of whose land in village Tikri Kalan, Division Bench of this Court had fixed the market value of the land in Block "A" at ₹4,02,850 per bigha and ₹3,24,850 in respect of the land in Block B are also therefore entitled to get compensation at the same value in respect of their land. Counsel for the appellants had submitted that even though they were claiming compensation more than what the Division Bench has given but now they are giving up that claim.

6. This appeal is accordingly allowed and disposed of by holding that the appellant shall also be entitled to get compensation in respect of his land in village Tikri Kalan at the aforesaid rates fixed by Division Bench in Partap Singh's case depending upon the categorization of his land by the Land Acquisition Collector in the statement u/s 19 of the Land Acquisition Act. The appellants shall, however, not be entitled to any interest for the period of delay in filing of the appeal as also to the costs of the appeal.