

(2006) 11 DEL CK 0254

In the Delhi High Court

Case No : L.A. App. No's. 196, 442, 456-59, 464, 495, 496, 497, 507, 508, 509, 510-17, 524, 526, 527, 544, 545-49, 579, 633 and 636 and C.M. 9729, 10961, 10962, 11007, 11710 and 13162 of 2006

Man Singh

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 02-11-2006

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4, 54, 6

Citation : (2007) 94 DRJ 200

Hon'ble Judges : Mukul Mudgal, J; J.P. Singh, J

Bench : Division Bench

Advocate : I.S. Dahiya S. Chaturvedi Deepak Khosla and Sunita Jain, for the Appellant; Sanjay Poddar, for LAC, Gaurang Kanth and Deepak Pathak, DSIDC, for the Respondent

Final Decision : Disposed Off

Judgement

Mukul Mudgal, J.—In the above referred appeals u/s 54 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") common questions of law and facts arise. Therefore, all these appeals are being disposed of by this common judgment. 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. 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 appellants (claimants) were 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. 2,01,452A. The claimants 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 appellants (claimants) were back to square one. Hence, the present appeals.

2. It is contended by learned Counsel for the appellants that entire evidence led by the appellants before remand and after the remand has not been properly appreciated by the learned Addl, District Judge. Moreso, no cogent evidence was produced on behalf of the respondents. There was hardly any evidence worth considering before the Land Acquisition Collector for categorizing the land. It is stated that the lands were under cultivation. The deductions made by the LAC for development of the land were based on imagination. There were no pits (khaddas) and no removal of soil. Moreover, the lands were not acquired for the purposes of agriculture but for raising construction. It is argued that the value of the land in the adjoining villages was not considered, specially of village Bhorgarh on the basis of which the predecessor learned Addl. District Judge had enhanced the value of category A land to Rs, 2,41,452/- per bigha and Of category B land to Rs. 2,01,452/-and the said learned Additional District Judge had relied upon the judgment of the High Court regarding Village Bhorgarh and that the Hon''ble Supreme Court of India in Om Prakash (D) by Lrs. and Others Vs. Union of India (UOI) and Another, held that Rs. 82,255/-per bigha was fair market value for all categories of land in village Bhorgarh. The learned Counsel for appellants have also relied upon the case titled Bhim Singh and Others Vs. State of Haryana and Another, wherein it has been held that market value earlier fixed can also be taken into consideration for determining the market value of the land subsequently.

3. 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 appeals are 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 appeals have been allowed.

4. We reaffirm the said judgment and allow these appeals 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 appellants shall not be entitled to interest for the period of delay, if any, in filing the appeals 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 15th December, 2006.

5. With the above directions, these appeals are 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 sheets be prepared accordingly.