

(1991) 03 DEL CK 0037

In the Delhi High Court

Case No : Regular First Appeal No. 700 of 1970

M/s. Bharta and others

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 20-03-1991

Acts Referred:

Citation : AIR 1991 Delhi 284

Hon'ble Judges : S.B. Wad, J; Mohd. Shamim, J

Bench : Division Bench

Advocate : R.P. Jain, for the Appellant; B.S. Mathur, for the Respondent

Judgement

S. B. WAD, J.—Land measuring 6 bighas 12 bids was belonging to the appellants situate in village Palam was acquired by a notification u/s 4 read with S. 17 of the Land Acquisition Act on 27th May, 1967. The Land Acquisition Collector vide his award awarded compensation of Rs. 1,000/per bighas, which was raised, to Rs. 3,000/- by the learned Additional District Judge. The appellant's claim is for Rs. 6,000/- per bighas as compensation.

2. Both the Land Acquisition Collector as well as the learned Additional District Judge has relied upon the instances of sale in the adjoining village Dabri. The appellants have relied on copies of the judgments Ex. A-I to A-3 by which the learned Additional District Judge has held that these instances were prior in relation to the section 4 notifications in 1961. The respondent relied upon Ex.R-1, which is a sale deed for 300 sq. yds. for Rs. 975 / - executed on 22-2-1967. The learned Additional District Judge has rejected Ex. R.-I as not representing correct market value as the same was only for 300 sq. yds. Learned Additional District Judge also rejected the Exs. A-I to A-3 where price is shown as Rs. 4,000/ - per bighas. Curiously enough, after declining to follow Ex. R-1 he has used the same for reducing the quantum of compensation from Rs. 4,000/- to Rupees 1,000/- per bighas. This was clearly impermissible in law. The learned Additional District Judge has also not taken into consideration the fact that the acquisition date in Ex. A-1 to A-3 was of the year 1961 while the notification in the instant case is of

1967. On going through the evidence we hold that Ex. R- I as a sale instance does not properly represent the market value. Exs. A-1 to A-3 approximate the market value which was Rs. 4,000/ - per bighas. Considering the fact that the notification in the present case is issued 3 years later we do not find that the appellant's claim of Rs. 6,000/- per bighas is unrealistic. We, Therefore, hold that the proper market value in the present case is Rs. 6,000/ - per bighas. Appellants would be entitled to solatium and interest as permissible under the law when Section 4 notification was issued but they will be entitled to additional solarium and interest on the enhanced compensation. This appeal is allowed with no order as to costs.

Appeal allowed.