

(1997) 09 DEL CK 0097

In the Delhi High Court

Case No : Regular First Appeal No. 575 of 1994

Nanda and Others

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 19-09-1997

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (1998) 3 AD 554 : (1998) 71 DLT 530

Hon'ble Judges : J.B. Goel, J;A.B. Saharya, J

Bench : Division Bench

Advocate : D.V. Khatri and M.K. Sharma, for the Appellant;

Judgement

Arun B. Saharya, J.

(1) This is an appeal u/s 54 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") against award and decree dated 4.11.1993 passed by the learned Additional District Judge, Delhi determining the amount of compensation payable to the appellants for acquisition of their land situated in Village Narela, Delhi.

(2) The piece of land in question was acquired by notification u/s 4 of the Act dated 30.10.1963. Declaration u/s 6 of the Act was issued on 16.1.1969 and Award was made by the Land Acquisition Collector on 22.9.1986.

(3) The question of market value of land in the same village, acquired by the very same notification, was the subject-matter of Rfa No. 209/93: Ram Kumar & Ors. v. Union of India & Ors., which was decided by a Division Bench of this Court on 4.2.1997. In that case, the market value was assessed @ Rs. 25,000.00 per bigha.

(4) Accordingly, we hold that market value of the land of the appellant in the present case also should be determined @ Rs. 25,000/ - per bigha. The appellants will also be entitled to get 12% per annum additional amount u/s

23(IA) of the Act on the market value from the date of notification u/s 4 of the Act till the date of award or taking over of possession whichever is earlier. In addition to the market value, the appellants/claimants shall be entitled to payment of solarium at the rate of 30% per annum of the aforesaid market value, in consideration of the compulsory nature of the acquisition u/s 23(2) of the Act. The appellants/claimants shall also be entitled to interest at the rate of 9% per annum from the date of dispossession till expiration of one year from that date and thereafter @ 15% per annum till the date of payment in Court on the compensation in excess of the sum awarded by the Collector in terms of Section 28 of the Act.

(5) Since there is a difference of more than three years between the notification u/s 4 (30.10.1963) and declaration u/s 6 (16.1.1969) of the Act, the appellant shall also be entitled to interest @ 6% per annum on the market value of the land from the date of expiry of the said period of three years to the date of tender of payment awarded by the Collector u/s 4(3) of the Land Acquisition (Amendment and Validation) Act, 1967.

(6) The appellants/claimants shall also be entitled to proportionate costs.

(7) The appeal is accordingly allowed.