
(1995) 07 DEL CK 0103

In the Delhi High Court

Case No : Regular First Appeal No. 610 of 1987

Nawal Kishore and Others

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 18-07-1995

Acts Referred:

Land Acquisition Act, 1894 — Section 23

Citation : AIR 1996 Delhi 114 : (1995) 34 DRJ 421

Hon'ble Judges : Dr. M.K. Sharma, J;D.P Wadhwa, J

Bench : Division Bench

Advocate : A.K. Sikri, for the Appellant;

Judgement

M.K. Sharma, J.

(1) This is an appeal filed by the claimant/appellant u/s 54 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act) against the determination of compensation payable to the claimant/appellant under the award No.1422 in L.A.C case No.515/68 passed by the Additional District Judge, Delhi dated 24.10.1986.

(2) By the aforesaid notification u/s 4 of the Act a total land measuring 20 bighas and 2 bids was in all was acquired wherein the appellant/claimant had 1/3rd share. The declaration u/s 6 of the Act was made on 12.9.1962. The Land Acquisition Officer divided the land into 2 blocks and awarded the market value of Rs.2,000.00 and Rs.1,500.00 per bigha for the land placed in the said two blocks.. The disputed land was categorized in block "A" and the Land Acquisition Collector assessed the market value of the disputed land at Rs.2,000.00 per bigha.

(3) On reference the Additional District Judge, Delhi through the impugned award enhanced the compensation amount and determined the same at Rs.7,250.00 per bigha. Being aggrieved by the aforesaid determination of compensation in respect of the disputed land the present appeal has been preferred in this court

claiming a higher compensation.

(4) Our attention has been drawn to a decision of this court in R.F.A.No-113/1980 in the case of Pt. Sis Ram (deceased through L.R.S) and another Vs. Union of India, decided on 27.10.1994, where in this court, relying on the decision of this court in R.F.A.463/1979, Chhajju Vs. Union of India decided on 3.12.1979, determined compensation of land in respect of land situated in Village Bahapur and acquired under notification dated 13.11.1959 u/s 4 of the Act at Rs.19,000.00 per bigha as fair and reasonable market value. In Chhajju's case (supra) the Land Acquisition Collector divided the land into 4 blocks namely - blocks 1,2,3 & 4 and assessed the land acquisition compensation at Rs.6,000.00 , , Rs.3,500.00 and Rs.2,500.00 per bigha respectively. However, in the appeal filed before this court by Chhajju this court determined the land acquisition compensation at Rs.19,000.00 and Rs.16,000.00 per bigha respectively for his land categorised by the Land Acquisition Collector under blocks 1 & 2 respectively. Accordingly, the land which was assessed at Rs.6,000.00 and Rs.4,500.00 by the Land Acquisition Collector came to be determined and assessed at Rs.19,000.00 and Rs.16,000.00 per bigha respectively by this court in Chhajju's case (supra).

(5) As and when we take into consideration the ratio of the aforesaid decision in Chhajju's case it became apparent to us that for the land which was assessed at Rs.2,500.00 per bigha by the Land Acquisition Collector the just and fair compensation for such type of land on the basis of the ratio of Chhajju's case (supra) could be determined at Rs.12,000.00 when the difference and criteria followed in Chhajju's case is take note of. In the present appeal, however, we are concerned with the land at Village Bahapur, acquired by notification u/s 4 of the Act of the same date for which land the Land Acquisition Collector assessed and determined the market value of the land at Rs.2,000.00 which subsequently came to be enhanced and determined by the learned Additional District Judge at Rs.5,250.00 . On the evidence on record of the present case we are satisfied that the judgment and order given by this court in Chhajju's case (supra) in respect of the same village Bahapur and acquired by a notification u/s 4 of the Act of the same date could be accepted as a relevant and reliable material to afford a basis for determining the compensation for the land involved in the present acquisition proceedings.

(6) On analysing the evidence adduced in the present case and following the ratio of the decision in Chhajju's case (supra) we hold that the market value of the land acquired in the present case should be Rs.12,000.00 per bigha. Accordingly, we fix the market value of the land in question at Rs.12,000.00 per bigha.

(7) In the result, the appeal filed by the appellant/claimant is allowed to the extent indicated above. We further order that the present appellant/claimant is entitled to 1/3rd share in the 55% compensation falling to the share of the land owners in the case. Over and above, the appellant/claimant shall be entitled to

solarium at 30% and interest u/s 28 of the Act in accordance with the provisions of law on the enhanced compensation. The claimant/appellant however, shall not be entitled to any interest u/s 28 of the Act from 5.9.1972 to 17.5.1982 as agreed to by him before the learned Additional District. Judge. The appellant/claimant shall also be entitled to the costs limited to the court fee.