

**(1995) 07 DEL CK 0081**

**In the Delhi High Court**

**Case No :** Regular First Appeal No. 136 of 1980

Net Ram and Others

APPELLANT

Vs

Union of India

RESPONDENT

**Date of Decision :** 18-07-1995

**Acts Referred:**

Land Acquisition Act, 1894 — Section 28, 54

**Citation :** (1995) 59 DLT 569

**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 appellant/claimant u/s 54 of the Land Acquisition Act, 1894 (hereinafter called the Act) against the determination of compensation payable to the claimant/appellant under the award dated 14.1.1980 in Lac No. 207/1975 passed by the Additional District Judge, Delhi for his land at Village Bahapur, Delhi, acquired for public purpose under notification dated 13.11.1959 u/s 4 of the Land Acquisition Act.

(2) By the aforesaid notification issued u/s 4 of the Land Acquisition Act a total land measuring 25 bighas 14 bids was was acquired and compensation was assessed as per award No. 1294. The Land Acquisition Collector divided the entire land into 4 blocks and determined the market value at Rs. 6,000.00 , Rs. 4,500 .00 , Rs. 3,500.00 and Rs. 2,500.00 per bigha with the land placed in the aforesaid 4 blocks. The land acquired and involved in the present appeal was categorised in blocks 2 & 4 respectively.

(3) On reference, the Additional District Judge through the impugned award enhanced the compensation amount and determined the same at Rs. 16,000.00 per bigha for block 2 land and Rs. 12,000.00 per bigha for block 4 land, following the ratio of the decision in the case of Chhajju v. Union of India, Rfa No.

463 /1979 decided on 3.12.1979.

(4) Being aggrieved by the aforesaid determination of the land acquisition compensation by the Additional District Judge, the claimant has filed the present appeal in this Court claiming enhanced compensation, solarium and interest. Our attention has been drawn to the ratio of the case of Chhajju (supra) and a very recent decision of this Court in Pt. Sis Ram and Another (deceased through LRs) v. Union of India; Rfa 113/1980 disposed of on 22.7.1994 wherein this Court followed the ratio of the decision in Chhajju's case (supra) in respect of the Block I land situated in village Bahapur and acquired under notification dated 13.11.1959 u/s of the Act and determined compensation of the said land at Rs. 19,000.00 per bigha as fair and reasonable market value. On consideration of the ratio of the aforesaid judgments of this Court and on consideration of the evidence on record of the present case, in our opinion, the said judgments and orders given by this Court in respect of the land situated in Village Bahapur is a relevant and reliable material to afford a basis in determining compensation for the land involved in the present acquisition proceedings.

(5) In The State of Madras Vs. A.M. Nanjan and Another, the Supreme Court has held that if the land involved in the award is comparable land in reasonable proximity of the land, the rates found would be a reliable material. On analysing the evidence adduced in the present case, and following the ratio of the decisions in the cases of Chhajju (supra) and Pt. Sis Ram (supra), we find that the land is comparable and possesses similar advantages and potential value to the land involved in the case of Pt. Sis Ram (supra) and Chhajju (supra). Accordingly, we find that the market value of the land in question as assessed by the Additional District Judge cannot be held to be arbitrary and/or illegal.

(6) After having held thus, now we are faced with the submission of the learned Counsel for the appellant with regard to payment of interest u/s 28 of the Land Acquisition Act for the period from 13.12.1966 to 8.8.1974 which was disallowed by the Additional District Judge, Delhi under the impugned award. Justification and the ground given by the Additional District Judge for disallowing interest for the period 13.12.1966 to 8.8.1974 is that the acquisition proceedings remained stayed because of a dispute of the claimant with a third party. However, in our opinion, the claimant/appellant shall be entitled to claim interest for the period 13.12.1966 to 8.8.1974 as provided for u/s 28 of the Land Acquisition Act. Accordingly, we direct that the claimant/appellant be paid interest @ 6% per annum u/s 28 of the Land Acquisition Act even for the period from 13.12.1966 to 8.8.1974.

(7) In the result, the appeal filed by the appellant/claimant is allowed to the extent indicated above with proportionate costs limited to the Court fee.