

(1993) 05 DEL CK 0046

In the Delhi High Court

Case No : Regular First Appeal No. 438 of 1971

Phool Singh and Others

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 19-05-1993

Acts Referred:

Land Acquisition Act, 1894 — Section 23

Citation : (1993) 51 DLT 447 : (1993) 26 DRJ 538

Hon'ble Judges : Sunanda Bhandare, J; Mohd. Shamim, J

Bench : Division Bench

Advocate : S.C. Dhamija and N.S. Negi, for the Appellant;

Judgement

Sunanda Bhandare, J.

(1) This appeal is directed against the judgment of the Additional District Judge, Delhi dated 29th January 1971 in Lac No.47 of 1968. The land in question which was acquired by Union of India is situated in Village Khampur Ray a. Notification u/s 4 of the Land Acquisition Act was issued on 13th November 1959 and a declaration u/s 6 of the Land Acquisition Act was issued on 29th July 1963.

(2) It is submitted by the learned counsel for the appellants that in respect of the laid in the same Village acquired under the same notification, another Additional District Judge had fixed the market value of the land at Rs. 22,080.00 per bigha in Lac No.453 of 1965. An appeal being Rfa 19/68 was filed by the Union of india against the said judgment and this Court had dismissed the appeal by order dated 14th April 1980. It is submitted that the appellants are also entitled to get compensation at the same rate.

(3) We have perused the file of Rfa No. 19 of 1968. Since the land in question is in the same village and acquired by the same notification, the appellants are also entitled to get compensation at the same rate of Rs.22,080.00 per bigha.

(4) Under the circumstances the appeal is allowed and the market value of the

acquired land, of the appellants is fixed at Rs. 22,080.00 per bigha. The appellants will be entitled to solarium @ 15% and interest @ 6% per annum on the enhanced compensation from the date of dispossession till payment. The notification u/s 4 of the Land Acquisition Act was issued on 13.11.1959 and declaration u/s 6 was issued on 29.7.1963. Therefore, the appellants will also be entitled to benefit of Section 4(3)(3) of the Land Acquisition (Amendment & Validation) Act 1967. The appeal is accordingly allowed with proportionate costs.