
(2010) 05 AHC CK 0132

In the Allahabad High Court

Case No : First Appeal No. 1056 of 1999 Connected with First Appeal Nos. 670 of 1998, 844 of 1999, 889 of 1999, 504 of 1998, 605 of 1998, 596 of 1998, 597 of 1998, 591 of 1998, 599 of 1998, 540 of 1995, 550 of 1995, 551 of 1995, 552 of 1995, 553 of 1995, 555 of 1995,

Raghuraj Singh and others

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 19-05-2010

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 41 Rule 27
Land Acquisition Act, 1894 — Section 23, 54

Citation : (2010) 05 AHC CK 0132

Hon'ble Judges : P.C.Verma, J and R.A.Singh, J

Final Decision : Allowed

Judgement

R.A. Singh, J.

Since all the aforesaid first appeals are connected and have been heard analogously, the same are being decided by this common judgment and order having binding effect upon all the first appeals. The aforesaid First Appeals have been preferred against the awards made under the Land Acquisition Act, 1894 dated 05th October, 1989 with reference to the properties situated at Village Bhangel Begumpur, Pargana/Tehsil Dadri, District Ghaziabad. The subject properties are situated on Delhi Highway opposite to the Industrial Complex of Noida adjacent to Delhi State.

The subject properties have been acquired by the Development Authority in the year 1989 subsequent to a Notification dated 24.03.1988, under Section 4 of the Land Acquisition Act, 1894 and subsequent Notification dated 16.06.1988 under Section 6 of the Land Acquisition Act, 1894. The possession of the property was taken on 12.01.1989 by the Development Authority. However, the compensation was awarded at the rate of Rs. 35.07/ per sq. yard by the Special Land Acquisition Officer, Ghaziabad by an award dated 05.10.1989. Feeling aggrieved

by the award made by the Special Land Acquisition Officer, ("S.L.A.O.") Ghaziabad, the appellants preferred an application under the provisions of Section 18 of the Land Acquisition Act, 1894 for reference before the District Judge, Ghaziabad. The present First Appeal (leading case) arises from Judgement and Order dated 30.05.1992 in various land acquisition Reference Cases before the Reference Court i.e. Court of District Judge, Ghaziabad.

The judgment of reference court provided for the compensation to the appellants herein at the enhanced rate of Rs. 93.75 per sq. yard. Further, the reference court made a deduction of 25% to the total compensation awarded to the claimants on the ground of largeness of the subject property. The aforesaid assessment of compensation of the subject property was made on the basis of the sale deed dated 22.04.1987 whereas the claim made by the appellants was at the rate of Rs. 500/ per sq. yard before the SLAO as well as before the Reference Court.

The issues under consideration in the present matter can be summed up in two folds; firstly whether the compensation granted to the claimants by the reference court is appropriate? If not, what should be the rate at which the compensation must be determined for the subject property? Secondly whether the deduction of the compensation by 25% owing to largeness of the land is warranted and valid in the present context?

Admittedly, the compensation for the lands of the appellants were assessed at the rate of Rs. 35.07 per sq. yard by the Special Land Acquisition Officer, Ghaziabad, while the same was enhanced to Rs. 93.75/ per sq. yard by the reference court. The above assessments were made on taking into account a number of exemplars, presented by appellants as well as the defendants. The document on the basis of which the compensation was determined by the reference court was a sale deed dated 22.04.1987. The appellants have asserted that the Special Land Acquisition Officer, Ghaziabad, as well as the reference court failed to take into account a number of authentic and reliable documents advanced by the appellants.

It seems that during the pendency of the instant appeals certain developments took place and subsequent to the same certain awards have been made by the reference court with respect to certain other acquired lands which are similar to that of the appellants herein. To bring the same in the notice of this court, the appellants have filed a supplementary paperbook along with an application for the same to be taken on record on 13.08.2003. It is important to mention here that this court can take notice of such additional evidences under the provisions of Order 41 Rule 27 of the Code of Civil Procedure, 1908. ORDER 41, RULE 27, C.P.C. provides that:

27. Production of additional evidence in Appellate Court [1] The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in Appellate Court. But if

[a] the court from whose decree the appeal is preferred has refused to admit evidence which ought to have been admitted, or

[aa] the party seeking to produce additional evidence, establishes that notwithstanding the exercise of due diligence, such evidence was not within his knowledge or could not, after the exercise of due diligence, be produced by him at the time when the decree appealed against was passed, or

[b] the Appellate Court requires any document to be produced or any witness to be examined to enable it to pronounce judgement, or for any other substantial cause, the Appellate Court may allow such evidence or document to be produced, or witness to be examined.

[2] Whenever additional evidence is allowed to be produced by an Appellate Court, the Court shall record the reason for its admission.

In accordance with the aforesaid provisions, the appellants have produced a number of documents on record for consideration before this Court in the form of a supplementary paper book. These are the awards made by reference court in subsequent proceedings with respect to the similar lands acquired by the defendants/State. According to the arguments advanced by the appellants, the aforesaid awards given in these documents as well as the order of the reference courts should be taken into account while considering the claim of the appellants. The appellants contend that they have been deprived of their valuable land by the State largesse without being compensated justifiably for the same.

The abovementioned documents were permitted to be included as part of the pleadings advanced by the appellants, as we think that the aforementioned documents are important to be taken into consideration by this court so as to reach on correct factual position to decide the present case.

It has been further brought to the notice of this Court that during pendency of the present appeals few of the original appellants in some of the appeals have died and in place of them substitution applications have been moved by the legal representatives, the same have been allowed.

So far the details of the abovementioned exemplar decisions of the reference court are concerned, which have been filed as additional evidences/ supplementary paperbook, they can be summed up as hereunder:

Firstly, the L.A.R. No. 392/93, Ram Chander & Ors. Vs. State of U.P. & Ors., the same related to the village Bhangel Begumpur, wherein the rate awarded by the S.L.A.O. was Rs. 58.93/ while the rate awarded by the reference court in the reference was Rs. 500/ per sq. yard. The award compensation at the rate of Rs. 500/, has, however, been scaled down to Rs. 300/ after making a deduction of 1/3rd of the amount in the name of development charges owing to largeness of the area acquired. The date of Notification in this matter was 30.11.1989 & 16.06.1990 under Section 4 and 6 of the Act, respectively.

Secondly, the L.A.R. No. 173/96, Babu Ram vs. State of U.P., this matter related to a near village Morna where the rate awarded by the S.L.A.O. was Rs. 70.40/ while the award made by the reference court was Rs. 264/ per sq. yard. The date of Notifications for the above land was 21.02.1991 & 04.01.1992, under Section 4 and 6 of the Act, respectively. The date of the decision of the reference court was 10.02.1993.

Thirdly, the L.A.R. No. 396/93, Bhaundi vs. State of U.P., the above acquisition related to village sarfabad where the rate awarded by the S.L.A.O. was Rs. 70.52 while the award made by the reference court was Rs. 200/ per sq. yard. The date of Notification for the aforesaid land was 23.11.1989 & 24.05.1990, under Section 4 and 6 of the Act, respectively. The award of the reference court was dated 09.10.2002; and Fourthly, the L.A.R. No. 213/93, Bansha vs. State of U.P., the above said acquisition related to village Chalara Bangar where the rate awarded for compensation by the S.L.A.O. was Rs. 42.64/ while the award made by the reference court was Rs. 138.75/ per sq. yard. The date of notification for the aforesaid land was 27.02.1988 & 15.12.1989 under Section 4 and 6 of the Act, respectively. The date of the decision of the reference court was 28.08.2000. The appellants have stated in their arguments that the abovementioned decisions of the reference court in the matters stated hereinabove have come to the knowledge of the appellants only during the pendency of the present appeals. The aforesaid supplementary paper book supported by an affidavit, has been filed and produced before this court on 13.08.2003.

In the light of the arguments put forth by both the parties and the abovementioned awards determined by the reference court it is abundantly clear that the land of the claimant has been undervalued by the Special Land Acquisition Officer, Ghaziabad as well as by the Reference Court.

So far the award made by the reference court in LAR No. 392/93 is concerned, the same has been delivered with respect to the village Bhangel Begumpur, which is the same village where the subject property of the instant appeal is situated too. The compensation has been awarded at the rate of Rs. 500/ and after scaling at Rs.300/ in LAR No.392/93, but to the prejudice of the claimants herein in the instant appeal, they have been awarded the compensation at the rate of Rs. 93.75 only. Such kind of arbitrariness and discrimination done by the defendant authorities is selfexplanatory of the kind of injustice being done to the appellants herein.

Further, while dealing with the issue relating to reduction in the compensation award to be made for the land it is vital to note that it is not each and every case where the deduction is to be made owing to the largeness of the area of the land so acquired. In such a situation, the rule of thumb can not be and should not be applied to. On contrary to the same, the subjectivity has to be considered on a case to case basis i.e. total facts and circumstances of each and every case coupled with the idea of compensating the claimants for loss of its invaluable land.

The appellants have placed reliance upon the law laid down by the Hon"ble Supreme Court in Bhagwathula Samanna v. Special Tahsildar and Land Acquisition Officer, (1991) 4 SCC 506, wherein the Hon"ble Court has observed in para 11, that:

"11. The principle of deduction in the land value covered by the comparable sale is thus adopted in order to arrive at the market value of the acquired land. In applying the principle it is necessary to consider all relevant facts. It is not the extent of the area covered under the acquisition which is the only relevant factor. Even in the vast area there may be land which is fully developed having all amenities and situated in an advantageous position. If smaller area within the large tract is already developed and suitable for building purposes and have in its vicinity roads, drainage, electricity, communications etc. then the principle of deduction simply for the reason that it is part of the large tract acquired, may not be justified."

The Hon"ble Supreme Court has further observed in para 13 that:

"13. The proposition that large area of land cannot possibly fetch a price at the same rate at which small plots are sold is not absolute proposition and in given circumstances it would be permissible to take into account the price fetched by the small plots of land. If the larger tract of land because of advantageous position is capable of being used for the purpose for which the smaller plots are used and is also situated in a developed area with little or no requirement of further development, the principle of deduction of the value for purpose of comparison is not warranted."

We would like to agree by the above said proposition laid down by the Hon"ble Supreme Court that the largeness of the area of the land so acquired is not the sole criterion to consider the deduction in market value of the land so acquired and therefore the other factors relevant to facts and circumstances of a particular case must be taken into account. Such considerations must guide the subjective satisfaction of the court and not only the objectivity to be achieved.

We also find the appellant's reliance for the due fixation and enhancement of the compensation based on the various decisions of the reference court to be well founded and convincing. The awards made by the reference court with respect to lands similar in nature as well as similar in potentiality to that of the appellants herein can not be ignored at all. Further, the acquisition made is proximate in time too as the lands acquired in the subsequent reference awards have been done in the similar point of time. We find that the reference to judgments and awards passed in respect of acquisitions of similar land can not be ignored at all. Further, it has been held by the Hon"ble Apex Court "that for the purpose of determining the value of the acquired lands on the basis of the comparable sales method, the land sought to be compared must be similar in potentiality and nature." It makes it quite obvious and clear in the instant matter that since the lands described in the subsequent reference awards are utmost similar in

potentiality and nature, henceforth they must not be ignored at all while considering the claims of the landowners/appellants.

The appellants have further placed reliance on the judgment and order of this Court in First Appeal No. 34 of 2007 (Ganeshi Singh and Ors. Vs. State of U.P. & Ors.) Dated 09.05.2008, wherein the Division Bench of this Court comprising Hon''ble Mr. Justice Amitav Lala and Hon''ble Mr. Justice Shishir Kumar, has held that "the land owners of a particular land in a subsequent notification are entitled to at least the same rate of compensation as awarded to similarly placed land owners in an earlier notification when the same has been brought to the notice of the court."

In the aforesaid case, the appellants' land was acquired by the defendant authorities and for the same notification u/s 4 was issued on 5th January, 1991, declaration under Section 6 read with Section 17 was made on 7th January, 1992. The possession of the land was taken on 30th March, 1992, 07th August, 1995 and 18th November, 1995, respectively. Special Land Acquisition Officer made his offer by way of award only with respect to an area of 74751 bighas, comparable to 467.03 acres. The market value was determined at the rate of Rs.125/ per sq. yard. Compensation was awarded at the rate of Rs.110 per sq. yard after making deduction of 12% on account of largeness of area. Court of Reference u/s 18 of the Act enhanced the market value up to Rs.297/ per sq. yard and awarded compensation of Rs.222/ per sq. yard after making deduction of 25% on account of largeness of area. The appellants in Ganeshi Singh's case placed reliance upon the judgment and award made in First Appeal No.744 of 2001 (Jagdish Chandra & Others Vs. Noida & Another) along with the connected appeals arising out of the same village, in which a Division Bench of this Court was pleased to deliver a judgement on 14th December, 2007. The only difference between both the cases was the difference in period of notification. The period of notification in Jagdish Chandra's case was 1989 while in Ganeshi Singh's case it was 1991. Henceforth, at least similar compensation was claimed to be awarded in Ganeshi Singh's case relying on Jagdish Chandra's case. The Division Bench of this Court in Ganeshi Singh's case has held that :

""these appeals cannot be said to be different from the appeals, which have been adjudicated by the Court in the earlier occasion. Therefore, Court will only see the parity of these appeals with the other appeals, which have been disposed off by this Court. Basic factor of looking into parity are two folds herein. Firstly what is the area of exemplar sale deed and whether such exemplar sale deed is executed in the period considerably prior to the date of notification or not. Secondly when the land areas of different size lands under different notifications are accumulated, can the formula of deduction due to largeness of the land be applicable or not. Lastly when price of Rs.297/ per sq. yard in respect of the land in Jagdish Chandra (Supra) arising out of the notification of the year 1989 in respect of the area of same village is accepted position, the price for the subsequent notification after two years will be less than such amount or not."

The Court further observed that:

""we have carefully considered the respective submissions of the parties but we cannot deviate ourselves from passing the similar order, which has been passed in Jagdish Chandra (Supra). It is true to say that in the case of Jagdish Chandra question of no deduction was considered on the basis of the fact that the authority therein wanted to make a regional park over the acquired land but not residential or commercial complex, for which various common places are required to be made and, as such, the authority cannot be able to sell substantial portion of land to the ultimate purchasers. Firstly, we have to say that there is no legal provision of deduction from the amount of compensation under the Land Acquisition Act, 1894. Various Courts normally pass such order of deduction on the subjective satisfaction of each case. Therefore, there is no hard and fast rule to make any deduction. Secondly, an important question of double benefit of the authorities was also considered by the Court in Jagdish Chandra (Supra) on the basis of today's outlook of the authorities. Fast growing urbanization is grasping the rural areas. In fact, the people of rural areas are being pushed back. Today's urbanization does not restrict the authorities to confine their activities for the benefit of the people but also to carry on business directly or indirectly in collaboration with the private parties. Thereafter, they are charging development charges from the ultimate purchasers. On the other hand, by virtue of law and legal interpretations, the land owners, who are losing their lands, can get price available on the date of notification u/s 4 of the Act. Neither they can get today's price nor they are asking for the same herein. Their contention is that when an earlier notification of the similar area fixed a price, whether they can get lesser price on the basis of subsequent notification or not. If they get lesser price than the price fixed in respect of the earlier notification, whether the same will create apparent disparity or not. According to us both the submissions are affirmative in nature and we accept the same. Another aspect is also to be taken care of by the Court on the basis of the submissions as made by the appellantsland owners, whether question of largeness will be applicable in the acquired land or not. Factually, it appears to us that lands of different sizes were acquired and accumulated by the authorities to project that the land is much large in nature in comparison to the exemplar sale deeds, which cannot be said to be established fact beyond doubt upon going through the chart having been part and parcel of the record.

Therefore, in totality we do not find any cogent reason in fixing the price of the lands in question under the notifications of the year 1991 at least not at par with that of the notifications of the year 1989. Thus the appeals of the land ownersclaimants are allowed by fixing the similar price and the appeals of the authorities are dismissed."

By keeping the parties before us in similar parameters as in the Ganeshi Singh's Case, it is obviously clear that the landowners of the same village, as that of the appellants, have been awarded enhanced and different rate of compensation for

almost similar kind of land and the proximity of time is also almost same. Therefore, it would be highly prejudicial to the interests of the appellants herein to be deprived of such a rate even after being placed in similar circumstances. Such an action would certainly be the arbitrariness and violative of the Constitutional mandate.

On the issue of deduction to be made in the award while being passed in land acquisition, this Court in Ganeshi Singh's Case has already held that:

"there is no legal provision for the deduction from the amount of compensation under the Land Acquisition Act, 1894. Various courts normally pass such order of deduction on the subjective satisfaction of each case. Therefore there is no hard and fast rule as to make any deduction".

So far the deduction in the awards to be made owing to largeness of the land is concerned, it is normally done in the name of the development charges which the State claims has to be incurred while subsequently using/selling/utilizing the land after the acquisition has been done. More importantly, after such kind of land acquisition, the State largesse normally sells the same land as retail to various owners and while doing so, they charge an exorbitant development charges. Therefore, such kind of blanket charges in the name of the development charge comes in two folds, which is quite unethical as well as prejudicial to the interests of the general public too. Once the deduction is made in the awards made to the land owners on the amount of compensation to be paid to them, the authorities again charge exorbitant amount in the name of the development charges from the prospective buyers. Therefore the same is a kind of double jeopardy on the general public. This view has also been held by this Court in Ganeshi Singh's Case (supra).

In Jagdish Chandra Case, First Appeal No. 744 of 2001, the issue of deduction of the compensation owing to largeness of the area acquired was dealt with extensively by the Division Bench comprising Hon'ble Mr. Justice Amitav Lala and Hon'ble Mr. Justice V. C. Mishra. The facts of the case, in brief, are that preliminary notification under Section 4 (1) of the Act was issued on 30.10.1987 for acquiring the total area of land admeasuring 494919 bighas (309.060 Acre) in village Chalera Banger, NOIDA district Ghaziabad (now in district Gautam Budh Nagar). The said notification was published in the official Gazette dated 27.02.1988 as well as in the daily newspaper on 11.06.1989 and subsequently a corrigendum was issued on 18.06.1989 and 24.06.1989 correcting and modifying the notification published in the Gazette dated 27.02.1988. The reference court held the relevant date of notification to be the last date of publication i.e. 24.06.1989. Following the same a notification under Section 6 of the Act read with Section 17 (4) of the Act was issued on 15.12.1989 and possession over the land in question was taken on 31.03.1990, 6.10.1990 and 30.09.1991. The Collector passed an award on 04.02.1992 on the basis of 62 sale deeds executed in respect of different plots of the village, in question, i.e. Chalera Banger of the last three years and determined the compensation at the rate of Rs.43.64 per

square yard on the basis of sale deed dated 29.08.1987 while in the said sale deed the land was sold at the rate of Rs. 54.54 per square yard, after allowing 20 percent deduction in the said rate. Being aggrieved the appellants/claimants preferred reference, under protest, which was referred for adjudication to the Civil Court under Section 18 of the Act. The reference Court relying upon an agreement to sell dated 19.04.1989 as exemplar taking into consideration the potentiality of about six bigha adjoining land of the same village identically situated as the land, in question, held the market value of the land at the rate of Rs. 297.50 per square yard and after deducting 50 percent of the said sale amount, awarded compensation at the rate of Rs. 148.75 per square yard which is under challenge. Being aggrieved, the appellant/claimants preferred the present appeals challenging the validity of said deduction of 50 percent from the market rate made by the reference Court on the ground that it was unsustainable in the eye of law and that the appellants/claimants were entitled to solatium and additional compensation as well as interest accrued upon it as the same was payable under the Act and its denial was illegal as awarding of interest on solatium and additional compensation is no longer resintegra and more so, as the land of the individual tenure holder was of similar size as that of the exemplar and no deduction, whatsoever, was called for under the facts and circumstances of the instant case in spite of the fact that the market value of the land was much more than Rs. 1000/ per square yard.

The Division Bench referred to law laid down by the Hon'ble apex Court in *Thakarsibhai Devjibhai Vs. Executive Engineer, Gujrat & others* (JT 2001 (3) SC 90) where in para 12 which are reproduced as under, the Court observed that:

"12. With reference to the question of acquisition being of a larger area, the error is, when we scan, we find for the acquisition of each land owner, it could not be said that the acquisition is of a large area. Largeness is merely when each landholder's land is clubbed together, then the area becomes large. Each landowner's holdings are of small area."

The Court while allowing the appeal of the landowners/appellants has observed that:

"On acquisition of the land the just compensation is paid to the owner of the land on the basis of correct market value of the property at the time of issuance of the notification under Section 4(1) of the Act. This market value is assessed as per the nearest sale deed exemplar in point of time and place. This compensation is paid on the basis of an award passed under Section 11 of the Act. It is note worthy that once the land is acquired and possession has been taken by the acquiring body after the issuance of the notification under Section 4 and 6 is made the erstwhile owner loses all its rights, title, interest in the land vested in it and all of it stands vested with the acquiring/requiring body even though the symbolic acquisition is on paper. At this stage any deductions towards development/betterment charges are made at the time of awarding compensation to the erstwhile owner is not justiciable, more so since there is no

statutory provision i.e. in the Act or Rules or Regulations etc. which provides for such deduction. After the acquiring/requiring body takes over the ownership of the land it is for it to develop or not develop the land and to what extent and all investments made for the same are to be borne by it and not by the erstwhile owner. It may, which it does charge from the new purchaser while selling of the land in plots and the price includes the betterment charges for the roads, parks etc. with interest. The concerned Authority and in the present case NOIDA once it charges from the new/subsequent purchaser all such charges cannot also be charged under the garb of deduction while awarding compensation to the erstwhile owner and gain double benefit. In such circumstances such deductions are unjustified and are required to be reversed. In the present case the land which is earmarked for " Park" no development of the land has been shown to have taken place nor any amount has been spent for the same then there can not be any justification for deduction from the correct market price for the payment of compensation to the petitioners. The issues are decided accordingly."

Wherefore, after considering the abovementioned judgments and orders of this Court in Ganeshi Singh Case and Jagdish Chndra Case, we find that while assessing the claim in land acquisition cases the consideration must be given to totality of the circumstances and the same may relate to near reasonable past as well as post acquisition made. So forth, in the present circumstances, we find that the appellants' claim for an award based on the awards made by the reference court in the similar lands in L. A. Ref. No. 392 of 1993, L.A.R. No. 173/96, L.A.R. No. 396/93, and L.A.R. No. 213/93 (as provided in Supplementary Paper Book) must be taken into consideration and the claim of the appellants herein for compensation at the rate of Rs. 500/ per sq. yard should be allowed in their favour.

We hereby observe and hold that the appellants have been deprived of their constitutional right to hold and enjoy the property; however, they have not been compensated reasonably for the same. It is obvious and clear that the reasonable compensation is the essential factor in making an award in the cases of Land Acquisition. The courts below should have taken into consideration the relevant materials placed before it so as to reach at a reasonable award to be made. The appellants have also been discriminated unfairly against other similarly placed landowners, and has been awarded the compensation in a most discriminatory and arbitrary manner.

We find that, any kind of technicalities adopted by the State just in order to deprive the claimants of their rightful claim would be against the interest of justice. Hence, the exemplars in form of the awards made by the reference court subsequently must be taken into account while deciding the issue and making an award in the instant case.

In conclusion, the present appeal deserves to be allowed in respect of the acquisition made of the property of the land ownersclaimants situated in Village Bhangel Begumpur, Pargana/Tehsil Dadri, District Ghaziabad.

We find that the appellants are entitled to get compensation at the rate of Rs. 500/ per square yard for the acquired land. However, in the present circumstances of the case, it would be appropriate to hold that the rate of Rs. 297/ per sq. yard would be just and equitable, as the same has been done by this court in the similar matter of Ganeshi Singh Case (supra) thereby finally enhancing the rates of similar lands from Rs. 276 to Rs. 297. We further find that the award made by the reference court in LAR No. 392/93 (Ram Chander & Ors. Vs. State of U.P. & Ors.) has been delivered with respect to the same village Bhangel Begumpur as that of the appellants/landowners herein and the compensation has been awarded at the rate of Rs. 500/ by the reference court in that matter, however, after scaling the award has been brought to at the rate of Rs.300/.

The lands in Ganeshi Singh's Case (Supra) as well as in Jagdish Chandra's Case (supra) situate in the village adjacent to that of the appellants/landowners herein. Further, the dates of notification in the aforesaid two cases are proximate to that of the appellants herein (i.e. in 1988 and in 1991). The notification in the present matter was made in the year 1989. Therefore the award in the present case can in no way be less than the award made in the aforesaid cases i.e. Rs. 297. Hence in the instant matter, in our opinion, the same rate of Rs. 297/ would be sufficient in the interests of justice.

Accordingly, the impugned reference and the award to the extent of making an award the rate at Rs. 93.75 owing to the deduction made therein is quashed and the respondents are directed to pay the compensation to the landowners/appellants herein at the rate of Rs. 297/ per sq. yard as held by us above, within three months from today. The respondents are further directed to pay a solatium of 30%, as provided under Section 23(2) of the Land Acquisition Act, 1894, on the amount of compensation hereby directed to be paid to the landowners/appellants. The respondents are further directed to pay the abovesaid amount alongwith an interest @ 9% per year for the first year from the date of acquisition, and further @15% for the subsequent years till the actual date of payment.

We further hold that appeals of the claimants/land owners/appellants are hereby allowed and the appeals of the Noida authority/State are hereby dismissed. This Court further directs that the amount deposited at the time of filing the aforesaid First Appeals by the authorities under order of this Court, shall be forthwith released in favour of the appellants/land owners.

So far as the defects in the aforesaid appeals with respect to the Court fee is concerned, if the same is found to be deficient, it is hereby ordered to recover the same in accordance with the statute and rules, at the time of final payment.

As we have already held, the substitution application/s/amendment application/s, if any, pending in these appeals is also allowed, however, without imposing any cost.

No order as to costs.