
(2010) 04 DEL CK 0022
In the Delhi High Court
Case No : La. App. 224 of 2010

Raj Singh and Others

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 15-04-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 11, 17(1), 18, 23(1A), 23(2)

Citation : (2010) 04 DEL CK 0022

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : Deepak Khosla, for the Appellant; Ramesh Ray, for UOI and Vikram Saini, for DDA, for the Respondent

Judgement

Hima Kohli, J.—The land of the appellant situated in village Tikri Kalan was acquired by the respondent/UOI vide preliminary notification issued u/s 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") on 24.07.1995. This was followed by the declaration u/s 6 of the Act dated 22.08.1995. In view of the urgency of the scheme, the provisions of Section 17(1) of the Act were also made applicable and the possession of the land was taken over on 21.09.1995. Thereafter, the Land Acquisition Collector made and pronounced his award u/s 11 of the Act, being Award No. 2/1997-98 dated 23.07.1997. In his award, the Land Acquisition Collector assessed the market value of the land at the rate of Rs. 1,68,000.00 per bigha for category "A" leveled land and Rs. 1,26,340.00 for category "B" land, besides other statutory benefits.

2. Dissatisfied with the said determination of the market value of the land, the appellant preferred a Reference Petition u/s 18 of the Act for enhancement of the compensation, which was referred to the court of the learned Additional District Judge, Delhi. The learned Additional District Judge vide order and judgment dated 17.01.2006 declined to grant any enhancement in the compensation determined by the Land Acquisition Collector. However, other statutory benefits were granted by the learned Reference Court in accordance with law.

3. The appellant still dissatisfied by the enhancement granted by the learned Reference Court, preferred the present appeal seeking compensation at the rate of Rs. 2,18,000.00 per bigha besides the statutory benefits. As there was delay of 1380 days in preferring the appeal, today counsel for the appellant made a statement in CM No. 3600/2010 that in the event any enhancement is granted by this Court, the appellant would not claim interest on the enhanced compensation for the period of delay and also not press for costs of the appeal. On his statement, the delay in filing the appeal was condoned subject to the condition that the appellant would not be entitled to interest on the enhanced compensation for the period of delay, i.e., 1380 days and also the costs of the appeal.

4. It is submitted by the counsel for the appellant that a Division Bench of this Court in a batch of matters including LAA No. 193/2006 entitled Pratap Singh deceased through LRs. v. Union of India and Ors. decided on 19.12.2008, determined the market value of the land acquired in the same village through various notifications at various rates. However, in respect of the land acquired through the notification dated 24.07.1995, the market value was assessed at Rs. 2,15,160.00 per bigha for land falling in category "A" and at Rs. 1,73,500.00 for category "B" land. In addition to the market value, the following statutory benefits as granted by the Reference Court were also upheld:

(a) 12% additional amount on the above market value of land u/s 23(1A) of the Act.

(b) 30% solatium on the above market value of land u/s 23(2) of the Act.

(c) Interest u/s 28 of the Act at the rate of 9% per annum from the date of dispossession for the first year and thereafter at the rate of 15% per annum till the date of the tender of compensation, which includes the benefit granted by the Hon'ble Supreme Court in the case of Sunder Vs. Union of India, .

5. Counsel for the respondent/UOI concedes that the present case is also covered by the aforesaid judgment. He further states that the aforesaid judgment in the case of Pratap Singh (supra) has attained finality in view of the fact that the SLP preferred by the respondent/Union of India as also by the landowners, registered as SLP (Civil) No. 573-628/2010 has been dismissed by the Supreme Court vide order dated 05.01.2010.

6. Guided by the judgment in the case of Pratap Singh (supra), it is held that the market value for the land falling in the category of "A" shall be maintained at Rs. 2,15,160.00 per bigha and for category "B" land at Rs. 1,73,500.00. In addition to the market value, statutory benefits as granted to the appellant in the case of Pratap Singh (supra) shall also be granted to the appellants herein. However, the appellant would not be entitled to interest on the enhanced compensation for the period of 1380 days of delay and costs of the appeal.

7. The appeal is disposed of.