

(1994) 05 DEL CK 0078

In the Delhi High Court

Case No : Regular First Appeal No. 530 of 1990

Ram Kishan

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 27-05-1994

Acts Referred:

Land Acquisition Act, 1894 — Section 23

Citation : (1994) 54 DLT 727 : (1994) 30 DRJ 250

Hon'ble Judges : R.C. Lahoti, J;Chander Mohan Nayar, J

Bench : Division Bench

Advocate : G.V. Dass and Rekha Anand, for the Appellant;

Judgement

R.C. Lahoti, J.

(1) This is an appeal u/s 54 of the Land Acquisition Act, 1894 directed against the judgment dated 4.4.1990 passed in Land Acquisition Case No. 659/89 by the Addl District Judge, Delhi.

(2) By notification u/s 4 of the Land Acquisition Act, 1894 published on 27.7.1984, Delhi Administration acquired 2123 Bighas and 5 Bighas of land in village Samaipur for planned development of Delhi, in particular for setting up an industrial estate. The Land Acquisition Collector awarded compensation against which several land owners sought for references. The Addl District Judge has enhanced the compensation directing, it to be assessed ((r)) Rs. 25,000.00 per Bighas for the leveled land and Rs. 21,000.00 or Rs.22,000.00 per Bighas for the land in depression.

(3) Several appeals were filed. A number of them have been disposed of by judgment dated 30.11.1991 passed by a Division Bench of this Court in Rfa 810/88. At the time of hearing of this appeal it was conceded by the counsel for the parties that inasmuch as the land belonging to the appellant herein was acquired under the same notification and compensation was determined by the same award followed by reference this appeal too deserves to be disposed of in

the same terms in which Rfa 810/88 was disposed of.

(4) The appeal is allowed. It is directed that the claimant appellant herein shall also be awarded compensation at the rate of Rs. 50,000.00 per Bigh for the leveled land and @ Rs. 45,000.00 per Bigh for the land in depression. The claimant-appellant would be entitled to solarium @ 30% on the market price. He would also be entitled to interest @ 9% p.a. for the first year i.e. from the date of taking of possession and at the rate of 15% p.a. thereafter, till payment. The appellant would also be entitled to additional amount of 12% p.a. from the date of publication of the notification u/s 4 of the Act till the date of taking of possession.

(5) The appeal stands disposed of in terms indicated hereinabove.