
(1992) 01 DEL CK 0041

In the Delhi High Court

Case No : Regular First Appeal No. 314 of 1968

Ram Narain and Others

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 30-01-1992

Acts Referred:

Citation : (1992) 46 DLT 349

Hon'ble Judges : Mahinder Narain, J; A.B. Saharya, J

Bench : Division Bench

Advocate : N.S. Vashisth, for the Appellant;

Judgement

Mahinder Narain, J.

(1) In this Regular First Appeal, the appellants seek enhancement of compensation for acquisition in respect of land measuring 130 bighas 14 bids was and in addition, half share in 14 bids was of land, all of which was located in village Pausangipur.

(2) Land measuring 1669 bighas 18 bids was in the revenue estate of Pausangipur was acquired for planned development of Delhi vide notification u/s 4 of the Land Acquisition Act. 1894 on 24th October. 1961. The Land Acquisition Collector gave his awards No. 1698 dated 31st March, 1964 and assessed compensation of land of Block "A" at Rs.1,400.00 per bigha and Block "B" at Rs. 1,200.00 per bigha.

(3) The appellants received the awarded amount under protest and filed a reference u/s 18 of the Land Acquisition Act. While deciding the reference, the Addl. District Judge enhanced compensation of land measuring 33 bighas 10" bids was to Rs. 3.050.00 per bigha, 53 bighas 10 bids was to Rs. 3.250.00 per bigha and 44 bighas 1/2 biswa to Rs. 3.3000.00 per bigha.

(4) Dissatisfied with the enhancement of compensation, the appellants have appealed to this Court. They assert that the developed colonies such as Shankar

Garden and Tilak Nagar located on Delhi Najafgarh Road are close- by. The land of the appellant is on Pankha Road connecting Delhi Najafgarh Road and Delhi Cantonment.

(5) Against the same award, in connection with the aforesaid notification, other regular first appeals filed in this Court as also certain Letters Patent Appeals being Nos. 137 and 138 of 1980 and R.E A. No. 20/69, for enhancement of compensation, this Court (S.B. Wad, J. and Usha Mehra, J) fixed the compensation at Rs. 8,200.00 per bigha.

(6) Counsel for the appellants relies upon the judgment of the Court in Sham Krishan Chandiwala and Another Vs. Union of India, in which this Court has held that as the land was acquired for the planned development of Delhi, the revenue classification of land is not very material and the potentiality of the land has to be adjudged on the basis of the purpose for which the land was being acquired. In this case, the land was acquired by the aforesaid notification for the planned development of Delhi.

(7) We follow the principles laid down by the Division Bench in the aforesaid judgment and for this reason, we did not think it necessary to award compensation on the basis of revenue classification of land or classification of land in Blocks "A", "B" or any other Block.

(8) Another Division Bench of this Court in Chet Ram and Others v. Union of India, by their judgment dated 19th April, 1991 in L.P.As.No.137 and 138 of 90 and RFA. No. 20/69 have, for the village Posangipur assessed the market value of the land to Rs. 8,200.00 per bigha. Since the acquisition notices are the same, the village is the same and the purpose of acquisition is the same, we also assess the market value of the land at Rs. 8,200.00 per bigha at which rate the appellants are entitled to compensation.

(9) In addition to the compensation payable at the rate of Rs. 8,200.00 per bigha, the appellants shall also be entitled solarium @ 15% per annum and interest @ 6% per annum from the date of the award till the date of payment.

(10) Since the claim made in the appeal is @ Rs. 10,000.00 per bigha and we have allowed compensation @ Rs. 8,200.00 per bigha, the appellants shall be entitled to the proportionate costs.

(11) The appeal stands disposed of accordingly. Appeal allowed accordingly.