

(1991) 01 DEL CK 0056

In the Delhi High Court

Case No : Regular First Appeal No. 99 of 1969

Ram Parshad and Others

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 24-01-1991

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (1991) 44 DLT 311

Hon'ble Judges : Usha Mehra, J; S.B. Wad, J

Bench : Division Bench

Advocate : C.L. Verma and B.S. Mathur, for the Appellant;

Judgement

Usha Mehra, J.

(1) Appellants land measuring 3 bighas & 18 his was bearing Khasra Nos. 273/1 (1-18), 274 (1-7) & 279/2 (0-13), situated in the revenue estate of village Madipur was acquired vide notification dated 12th November, 1963 issued u/s 4 of the Land Acquisition Act (hereinafter called the Act). The Land Acquisition Collector made his Award No. 1913 dt. 26th October, 1964 whereby he awarded compensation @ Rs. 4,500.00 per bigha. Reference was made u/s 18 of the Land Acquisition Act and the learned Addl. District Judge vide his judgment dt. 24th October, 1968 enhanced the compensation to Rs. 6,000.00 per bigha. " We have been informed that this Court in R.F.A. No. 490/68 decided on 18th December, 1987 had awarded compensation @ Rs. 7,000.00 per bigha for the land situated in revenue Estate of Village Madipur. The Division Bench in R.F.A No. 490/68 was concerned with a notification dated 13th November, 1959 issued u/s 4 of the Land Acquisition Act.

(2) This Court has been uniformly following the principle of awarding compensation on the basis of village as a whole and not on the basis of plot wise. Since for this very village the compensation has already been fixed by the Division Bench of this Court @ Rs. 7,000.00 per bigha for the land acquired in

1959 hence in this petition we cannot give any other rate. However, taking into consideration that the land of the appellant was acquired vide notification of 12th November, 1963 Therefore he would be entitled to higher compensation. This Court invariably had been taking the view that in each succeeding year the petitioner should be given Rs. 1,000.00 additional. Taking that principle in view and the land rates fixed at Rs. 7,000.00 per bigha in R.F.A. No. 490/68, we assess the market value of the appellants land at Rs. 12,000.00 per bigha instead of Rs. 6,000.00 awarded by the learned Additional District Judge. Appellants will get proportionate costs of the appeal. Appellants would be entitled to solarium and interest on the enhanced amount of compensation according to law prevalent at the relevant time. The appeal is accordingly disposed of.