
(2005) 03 DEL CK 0035

In the Delhi High Court

Case No : LPA 87 of 1981

Ram Sarup Dass and Others

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 17-03-2005

Acts Referred:

Citation : (2005) 03 DEL CK 0035

Hon'ble Judges : B.C. Patel, C.J.; Sanjay Kishan Kaul, J

Bench : Division Bench

Advocate : Keshav Dayal and Prehlad Dayal, for the Appellant; Sanjay Poddar, for the Respondent

Judgement

B.C. Patel, C.J.—The present appeal is preferred against the judgment delivered by the learned Single Judge in R.F.A.No.294/74 on 28.2.1981 which was preferred against the award made by Additional District Judge on 6.4.1974 on an reference u/s 18 of the Land Acquisition Act, 1894 (for short hereinafter referred as "the Act"). Vide award No.1289 dated 28.3.1962 compensation at the rate of Rs.4,500/- per bigha and for different parcels of land at the rate of Rs.4,000/- per bigha was awarded.

2. Notification u/s 4 of the Act was issued on 13.11.1959 for acquisition of land situated at village Sadora Kalan for Planned Development of Delhi. Declaration u/s 6 of the Act was made on 25.10.1961 and after following the procedure laid down in the Act, award was made. Being aggrieved by the award made by the Land Acquisition Collector, wherein compensation was claimed @ Rs.30/- per sq.yard, Reference Court was approached by making an application u/s 18 of the Act. The reference court in the instant case awarded compensation @ Rs.7/- per sq. yard for garden land and for remaining land awarded compensation @ Rs.6,500/- per bigha. The appellant being not satisfied, preferred appeal u/s 54 of the Act before this Court being RFA No.254 of 1994. Learned Single Judge hearing the appeal awarded compensation at a higher rate. The award was modified by awarding compensation Rs.1,000/- per bigha for the garden land

and Rs.1,500/- per bigha for the remaining land together with other benefits. Against this order, the present appeal is preferred.

3. Learned counsel for the appellant submitted that originally claim was made @ Rs.30/- per sq. yard i.e. Rs.30,000/- per bigha. Our attention was drawn to the decision of this Court in RFA No. 411/1987 Mandir Shri Dauji Maharaj v. Union of India decided on 13.2.2003. Learned counsel for the appellant also drew our attention to another decision of this Court in Prem Singh and Another Vs. Union of India and Others, wherein the rates because the claim was restricted to Rs.12,000/- per bigha. However, in the instant case as the claim was made at a higher rate and the Court after submissions were made fixed the claim at Rs.15,000/- per bigha in Mandir Shri amount of compensation was awarded @ Rs.12,000/- per bigha and not at higher Dauji Maharaj's case (supra), the appeal is required to be allowed. Learned counsel for the appellant submitted that in RFA No.570/1979 (Jalil Ahmed and Ors. v. Union of India and Ors.) decided on 21.8.1987, the Court has awarded compensation @ Rs. 5,000/- per bigha as fair market value of the land as on the date of notification u/s 4 of the Act for the land situated at village Sadora Kalan. Learned counsel for the respondent could not point out anything from the aforesaid judgment as to why this decision should not apply to the facts of this case.

4. In view of what is stated hereinbefore, the appeal is required to be allowed. The claimants are held entitled to the award of compensation @Rs.15,000/- per bigha. Over and above the enhanced market value, the claimants will also be paid solarium and interest @ 6% p.a. from the date of Collector taking possession. The claimants will be paid interest on solarium in view of the judgment of the Apex Court in Sunder Vs. Union of India, . The appeal is allowed with proportionate costs.

5. It is made clear that so far as the amount of interest is concerned, some of the appellants will not get interest for certain periods, as indicated in our order dated 10.3.2005 passed in various applications.

6. The corrected memo of parties as per order dated 10.3.2005 be filed as the memo of parties filed dated 13.3.2005 is not correct specially for appellants No.5 and 13.