
(2005) 04 DEL CK 0048

In the Delhi High Court

Case No : Regular First Appeal 127 of 2001

Ram Sharan (Deceased) through his legal representatives	APPELLANT
Vs	
Union of India (UOI)	RESPONDENT

Date of Decision : 07-04-2005

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4, 6

Citation : (2005) 04 DEL CK 0048

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

Bench : Division Bench

Advocate : Satish Kumar Verma and Raj Bir Bansal, for the Appellant; Sanjay Poddar, for the Respondent

Final Decision : Dismissed

Judgement

B.C. Patel, C.J.—The present appeal is preferred against the order made by the Reference Court in LAC No. 193/91 dated 5.8.1998 determining the market value at the rate of Rs. 2200/- per Bigha for the land acquired by the respondent Union of India and situated within the village limits of Village Kondli by notification u/s 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") dated 8.2.1973, which was followed by a declaration u/s 6 of the Act dated 8.5.1978.

2. There is no dispute about the proper procedure followed for the acquisition and the award made by the Land Acquisition Collector being Award No. 2/78-79 dated 5.8.1978 offering market value of Rs. 2100/-, Rs.1100/- and Rs. 600/- for different blocks of land A, B and C, respectively. The claimants, being dissatisfied, filed a reference u/s 18 of the Act and the Reference Court determined the market value of the land at Rs.2200/- per Bigha against which the present appeal is preferred by the claimants.

3. It is required to be noted that the appeal preferred by the claimants was delayed by 885 days and, Therefore, at the time of admission the Division Bench pointed out as under:-

"Having gone through the averments made in the application, we are of the view that the delay deserves to be condoned but subject to the condition that from 5.8.1998, the date of pronouncement of the judgment, till 9.4.2001, the date of presentation of the appeal except for a period of 90 days the appellant will not be entitled to any interest on the amount of compensation if the same gets enhanced in the appeal. Ordered accordingly."

Therefore, in view of the aforesaid order the appellant, even if he succeeds, will not be in a position to claim interest for the period excluded as mentioned therein.

4. Our attention is invited to a decision of the Division Bench in the case of Bedi Ram Vs. Union of India and another, wherein the Court examined various aspects for determination of the market value for the land situated at Village Kondli acquired vide notification u/s 4 of the Act dated 8.2.1973. The Court also examined notification dated 19.8.1976. We are not concerned with the said notification. After considering various aspects the Division Bench held that the claimants shall be entitled to compensation at the rate of Rs. 22,500/- per Bigha for the lands which were acquired through notification dated 8.2.1973.

5. In view of the aforesaid judgment, we are not required to examine all aspects, and we direct that the claimants shall be entitled to the compensation at the rate of Rs. 22,850/- per Bigha. The claimants will not be entitled to get interest for the period excluded hereinabove. However, the claimants shall be entitled to get all other benefits under the Act as indicated in the award of the Court. The appeal stands allowed accordingly with proportionate costs.