
(1991) 04 DEL CK 0009

In the Delhi High Court

Case No : Regular First Appeal No. 259 of 1979

Ramehar (Deceased) Munshi

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 04-04-1991

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (1992) 47 DLT 508

Hon'ble Judges : Sunanda Bhandare, J;J.K. Mehra, J

Bench : Division Bench

Advocate : NEM, for the Appellant;

Judgement

Sunanda Bhandare, J.

(1) This Regular First Appeal is directed against the judgment of the Additional District Judge, Delhi dated 3.1.1979 in L.A.C.No. 419 of 1973. The appellants were the owners of land in village Bhartha which was acquired by notification issued u/s 4 of the Land Acquisition Act.

(2) We find that the Additional District Judge while disposing of the reference filed by the appellants u/s 18 of the Land Acquisition Act had awarded compensation to the appellants at Rs. 4000.00 per bigha. While assessing the land of the appellants, the Additional District Judge had referred to the judgment in L.A.C. No. 417 of 1973 (V. K. Kapoor v. Union of India) dated 13.12.1978 and since the Additional District Judge found that the land belonging to the appellants fell in Block B, the land belonging to the appellants could be assessed only at Rs. 4000.00 per bigha.

(3) Shri Vijay Kumar Kapoor & Others had also filed a Regular First Appeal in this Court being R.F.F No. 212 of 1979 which was disposed of by a Division Bench of this Court vide judgment dated 1.9.1989. This Court while disposing of the Regular First Appeal of Shri Vijay Kumar Kapoor & Others has observed that uniform compensation had to be worked out for the entire Village. A Division

Bench of this Court in Rfa No. 203 of 1982 Jai Lal Etc.v. Union of India decided on 27.4.1988 following the judgment of the Supreme Court in C.A.No. 830 of 1981 granted uniform compensation in respect of all the Blocks in the same Village. Thus, the appellants are also entitled to get the compensation at the same rate. The appellants have claimed enhanced compensation at Rs. 8000.00 per bigha. However in view of the judgment of this Court in V.K. Kapoor's case (supra) since the land in the same Village is assessed at Rs. 13,000.00 per bigha, the appellants are entitled to get the compensation at the same rate.

(4) We, Therefore, assess the land of the appellants at Rs. 13000.00 per bigha provided the appellants file the amended grounds of appeal and pay the additional Court fee within three months from today. In addition to the market value assessed at Rs. 13,000.00 per bigha, the appellants will be entitled to desolation @ 15% and interest @ 6% per annum from the date of dispossession till the date of payment of enhanced compensation. The appellants will also be entitled to costs.